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ACTS
AND
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1878,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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1878.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

THE end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other;

and of forming a new constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection therein.

Amendment, Art. XI., substituted for this.

[III. *As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

Legislature empowered to compel provision for public worship;

* NOTE. — Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends ; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law : and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State ; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public ; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good ; for the protection, safety, prosperity and happiness of the people ; and not for the profit, honor or private interest of any one man, family or class of men : Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government ; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government ; right of people to institute and change it.

Right of people
to secure rota-
tion in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life ; and to fill up vacant places by certain and regular elections and appointments.

All, having the
qualifications
prescribed,
equally eligible
to office.

IX. All elections ought to be free ; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protec-
tion and duty of
contribution
correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection ; to give his personal service, or an equivalent, when necessary : but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation found-
ed on consent.

Private prop-
erty not to be
taken for pub-
lic uses with-
out, &c.

Remedies by
recourse to the
law to be free,
complete and
prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it ; completely, and without any denial ; promptly, and without delay ; conformably to the laws.

Prosecutions
regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him ; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him ; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a State: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous.

Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

laws necessary for the good administration of the Commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, &c., and reason thereof.

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.

XXIII. No subsidy, charge, tax, impost or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Ex post facto laws prohibited.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

Legislature not to convict of treason, &c.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Excessive bail or fines, and cruel punishments, prohibited.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

No soldier to be quartered in any house, unless, &c.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

Citizens exempt from law-martial, unless, &c.

XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Judges of supreme judicial court.

Tenure of their office.

Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.

Separation of executive, judicial and legislative departments.

PART THE SECOND.

The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Title of body politic.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

Legislative department.

The legislative body [shall assemble every year on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved

See amendments, Art. X.

on the day next preceding the said last Wednesday in May; and] shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal: and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be passed by two-thirds of each house, notwithstanding.

See amend-
ments, Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court
may constitute
judicatories,
courts of record,
&c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c.,
may administer
oaths.

IV. And further, full power and authority are hereby

given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

General court may enact laws, &c.,

not repugnant to the constitution;

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

See amendments, Arts. III., XX., XXIII. and XXIV.

Word "inhabitant" defined.

[Art. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose; and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose.) and shall elect the following number for councillors and senators, viz.:—

Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes county and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

II. The Senate shall be the first branch of the legislature; [and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such

meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually, or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

Selectmen to
preside at town
meetings.

Return of votes.

See amend-
ments, Art. II.

Amendments,
Art. X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of
unincorporated
plantations, who
pay State taxes,
may vote.

Plantation meet-
ings.
See amend-
ments, Art. X.

Assessors to
notify, &c.

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to

Governor and
council to ex-
amine and count
votes, and issue
summonses.

See amend-
ments, Art. X.

be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the

house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

Quorum.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in

Expense of travelling to and from the general court, how paid.

the judgment of the house, and does not depart without leave.

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a voter.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

See amendments, Arts. III., XX. and XXIII. Representatives, when chosen. See amendments, Arts. X. and XV.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

House alone can impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate all money bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn more than two days at a time.

VIII. The house of representatives shall have power to adjourn themselves, provided such adjournment shall not exceed two days at a time.

Quorum. See amendments, Art. XXI.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, return from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Senate.

Governor and council may punish.

General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled — THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be — HIS EXCELLENCY.

Governor.

His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seised, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.

Qualifications.

See amendments, Art.VII.

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration

By whom chosen, if he have a majority of votes.

See amendments, Arts. II., X., XIV. and XV.

thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

How chosen,
when no person
has a majority.

Power of gov-
ernor, and of
governor and
council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or
prorogue the
general court
upon request,
and convene the
same.
See amend-
ments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amend-
ments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and
council may ad-
journ the gen-
eral court in
cases, &c., but

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the gen-

eral court, not exceeding ninety days, as he shall determine the public good shall require.

not exceeding
ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy: and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be
commander-in-
chief.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and

Governor and
council may pardon
offences,
except, &c

But not before
conviction.

All judicial offi-
cers, &c., how
nominated and
appointed.
See amend-
ments, Arts.
XIV., XVII.
and XIX.

Militia officers,
how elected.

See amend-
ments, Art. V.

How commis-
sioned.

Election of
officers.

Major-generals,
how appointed
and commis-
sioned.

Vacancies, how
filled, in case,
&c.

Officers duly
commissioned,
how removed.
See amend-
ments, Art. IV.

Adjutants, &c.,
how appointed.

Adjutant-gen-
eral.
Army officers,
how appointed.

Organization of
militia.

with the advice of council: but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other: and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint, — as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in

force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

Public boards and certain officers to make quarterly returns.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support — that he should, in all cases, act with freedom for the benefit of the public — that he should not have his attention necessarily diverted from that object to his private concerns — and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate — it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be — HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, &c.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.
See amendments, Art. XVI.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

[IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.]

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commission officers to be expressed.

Judicial officers to hold office during good behavior, except, &c.

May be removed on address.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

Causes of marriage and divorce, how determined.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

SECTION 1.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid

Harvard College.

Powers, privileges, &c., of the president and fellows, confirmed.

the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Property devised.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Gifts, grants, and conveyances confirmed.

Board of Overseers established by general court of 1642.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall

Overseers established by constitution.

be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Power of alteration reserved to the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before

Declaration of executive and

legislative officers.

See amendments, Art. VII.

he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments, Art. VI.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power in, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, God."]

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amendments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration." in the first oath; and in the second oath, the words "swear and," and in

each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate, sheriff, register of probate, or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject.

No person holding the office of judge of the supreme judicial court — secretary — attorney-general — [solicitor-general] — treasurer or receiver-general — judge of probate — commissary-general — [president, professor, or instructor of Harvard College] — sheriff — clerk of the house of representatives — register of probate — register of deeds — clerk of the supreme judicial court — [clerk of the inferior court of common pleas] — or officer of the customs, including in this description naval officers — shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

Incompatible offices.

See amendments, Art. VIII, and XXXVII.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall

Same subject.

accept a seat in council; or any councillor shall accept of either of those offices or places.

Bribery, &c.,
operates dis-
qualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money
ascertained.
Property quali-
fications.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

See amend-
ments, Art.
XIII.

Provisions re-
specting com-
missions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

Provisions re-
specting writs.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

Continuation of
former laws, ex-
cept, &c.

VI. All the laws which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
&c.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

The enacting
style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of for-
mer government
continued until,
&c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other offi-

cers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. Amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

Same subject.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

Provision for preserving and publishing this constitution.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Common-

General court empowered to charter cities.

wealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship.) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Notaries public, how appointed and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the Commonwealth shall

require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-general may be appointed, in case, &c.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote for captains and subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken by all officers.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, God,” and subjoining, instead thereof, the words, “This I do under the pains and penalties of perjury.”

Proviso: Quaker may affirm.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Tests abolished.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the accept-

Incompatibility of offices.

ance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office ; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published ; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people ; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Commencement
of political year,

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May ; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the
choice of gover-
nor, lieutenant-
governor, &c.,

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year ; but meetings may be adjourned, if necessary,

for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

when to be held.
May be adjourned.
See amendments, Art. XV

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Article, when to go into operation.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Inconsistent provisions annulled.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

Religious freedom established.

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and

thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society: and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

Census of ratable polls to be taken in 1837, and decennially thereafter.

By representatives, how apportioned. See amendments, Art. XIII. and XXI.

Towns having less than 300 ratable polls, how represented.

Fractions, how represented.

Towns may unite into representative districts.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be

elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Inconsistent provisions annulled.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

See amendments, Art. XXII.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

Senatorial districts declared permanent. See amendments, Art. XXII.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned. See amendments, Art. XXI.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Towns may unite into representative districts.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, as-

Councillors to be chosen from the people at large.

See amend-
ments, Art.
XVI.
Qualifications of
councillors.

sembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Freehold as a
qualification not
required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the
people to be by
plurality of
votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual
election of gov-
ernor and legis-
lature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight council-
lors to be chosen
by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafter, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of council-

Legislature to
district state.

Eligibility de-
fined.

Day and manner
of election, &c.

lors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Vacancies, how filled.

Organization of the government

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and

Election of secretary, treasurer, auditor and attorney-general by the people

Vacancies, how filled.

consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended: and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Reading constitution in English and writing, necessary qualifications of voters.

Proviso.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See General Stat. chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one

thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

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same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of senators elected.

Vacancies in the senate.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.

Officers of Harvard College may be elected members of general court.

THE FRAMING AND POPULAR ADOPTION OF THE CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second

CONSTITUTION OF THE

day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and were approved and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and were approved and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the

political years 1858 and 1859, and was approved and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and were approved and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and was approved and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

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GENERAL STATUTES AND SPECIAL ACTS

OF

MASSACHUSETTS.

1878.

 The General Court of 1878 assembled on Wednesday, the second day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency ALEXANDER H. RICE and His Honor HORATIO G. KNIGHT, on Thursday, the third day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap.* 1

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-eight, to wit:— *Appropriations.*

SUPREME JUDICIAL COURT.

For the salary of the clerk of the supreme judicial court of the Commonwealth, three thousand dollars. *Clerk.*

For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars. *Reporter.*

For clerk hire and incidental expenses of the reporter of decisions of said court, a sum not exceeding one thousand five hundred dollars. *Expenses.*

SUPERIOR COURT.

For the salary of the chief justice of the superior court, five thousand three hundred dollars. *Chief justice.*

For the salaries of the ten associate justices of said court, fifty thousand dollars. *Associate justices.*

COURTS OF PROBATE AND INSOLVENCY.

For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars. *Judge—Suffolk.*

- Middlesex.** For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.
- Worcester.** For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.
- Essex.** For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.
- Norfolk.** For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.
- Bristol.** For the salary of the judge of probate and insolvency for the county of Bristol, one thousand eight hundred dollars.
- Plymouth.** For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand five hundred dollars.
- Berkshire.** For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
- Hampden.** For the salary of the judge of probate and insolvency for the county of Hampden, one thousand eight hundred dollars.
- Hampshire.** For the salary of the judge of probate and insolvency for the county of Hampshire, one thousand four hundred dollars.
- Franklin.** For the salary of the judge of probate and insolvency for the county of Franklin, one thousand four hundred dollars.
- Barnstable.** For the salary of the judge of probate and insolvency for the county of Barnstable, one thousand dollars.
- Nantucket.** For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
- Dukes County.** For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.
- Register — Suffolk.** For the salary of the register of probate and insolvency for the county of Suffolk, three thousand dollars; and for the salary of the assistant-register for said county, one thousand five hundred dollars.
- Middlesex.** For the salary of the register of probate and insolvency for the county of Middlesex, two thousand dollars; and for the salary of the assistant-register for said county, one thousand five hundred dollars.
- Worcester.** For the salary of the register of probate and insolvency for the county of Worcester, two thousand dollars; and

for the salary of the assistant-register for said county, one thousand five hundred dollars.

For the salary of the register of probate and insolvency for the county of Essex, two thousand dollars; and for the salary of the assistant-register for said county, one thousand five hundred dollars. Essex.

For the salary of the register of probate and insolvency for the county of Norfolk, one thousand five hundred dollars; and for the salary of the assistant-register for said county, one thousand one hundred dollars. Norfolk.

For the salary of the register of probate and insolvency for the county of Bristol, one thousand eight hundred dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Plymouth, one thousand five hundred dollars. Plymouth.

For the salary of the register of probate and insolvency for the county of Hampden, one thousand six hundred dollars. Hampden.

For the salary of the register of probate and insolvency for the county of Berkshire, one thousand two hundred dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Hampshire, one thousand four hundred dollars. Hampshire.

For the salary of the register of probate and insolvency for the county of Franklin, one thousand four hundred dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Barnstable, one thousand dollars. Barnstable.

For the salary of the register of probate and insolvency for the county of Nantucket, six hundred dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Dukes county, six hundred dollars. Dukes County.

DISTRICT-ATTORNEYS.

For the salary of the attorney for the county of Suffolk, five thousand dollars; and for the salary of his clerk, one thousand dollars. Attorney and clerk — Suffolk.

For the salary of the assistant-attorney for the county of Suffolk, three thousand dollars. Assistant attorney — Suffolk.

For the salary of the second assistant district-attorney for the county of Suffolk, two thousand dollars. Second Assistant attorney.

For the salary of the attorney for the eastern district, two thousand dollars. Attorney — Eastern district.

Northern
district.

For the salary of the attorney for the northern district, two thousand dollars.

Southern
district.

For the salary of the attorney for the southern district, two thousand dollars.

Middle district.

For the salary of the attorney for the middle district, two thousand dollars.

South-eastern
district.

For the salary of the attorney for the south-eastern district, two thousand dollars.

Western
district.

For the salary of the attorney for the western district, two thousand dollars.

North-western
district.

For the salary of the attorney for the north-western district, one thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1878.

Chap. 2

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR."

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-eight, to wit:—

LEGISLATIVE DEPARTMENT.

Clerks.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each.

Sergeant-at-
arms.

For the salary of the sergeant-at-arms, three thousand dollars.

Engineer and
watchmen.

For the compensation of an engineer, and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars.

EXECUTIVE DEPARTMENT.

Lieutenant-
governor and
council.

For the compensation of the lieutenant-governor, two thousand five hundred dollars, and for the executive council, a sum not exceeding nine thousand six hundred dollars. For the travelling expenses of said council, a sum not exceeding two hundred dollars.

SECRETARY'S DEPARTMENT.

Secretary.

For the salary of the secretary of the Commonwealth, three thousand dollars.

For the salary of the first clerk in the secretary's department, two thousand dollars. First clerk.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars. Second clerk.

For the salary of the messenger in the secretary's department, one thousand dollars. Messenger.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding twelve thousand five hundred dollars. Additional clerical assistance.

TREASURER'S DEPARTMENT.

For the salary of the treasurer and receiver-general, five thousand dollars. Treasurer.

For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars. First clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the first assistant clerk in the treasurer's department, one thousand eight hundred dollars. First assistant clerk.

For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding three thousand dollars. Additional clerical assistance.

TAX COMMISSIONER'S BUREAU.

For the salary of the deputy tax-commissioner and commissioner of corporations, three thousand dollars. Deputy tax commissioner.

For the salary of the first clerk of the tax-commissioner, one thousand eight hundred dollars. First clerk.

For the salary of the second clerk of the tax-commissioner, one thousand three hundred dollars. Second clerk.

For such additional clerical assistance as the tax-commissioner and commissioner of corporations may find necessary, a sum not exceeding twelve thousand dollars. Additional clerical assistance.

AUDITOR'S DEPARTMENT.

For the salary of the auditor of accounts, three thousand dollars. Auditor of accounts.

For the salary of the first clerk in the auditor's department, two thousand dollars. First clerk.

For the salary of the second clerk in the auditor's department, one thousand eight hundred dollars. Second clerk.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding three thousand dollars. Additional clerical assistance.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.	For the salary of the attorney-general, five thousand dollars.
Assistant.	For the salary of the assistant attorney-general, two thousand five hundred dollars.

COMMISSIONERS AND OTHERS.

Commissioners of savings banks.	For the salaries of the commissioners of savings banks, six thousand six hundred dollars.
Insurance commissioner.	For the salary of the insurance commissioner, four thousand dollars.
Deputy.	For the salary of the deputy insurance commissioner, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk of the insurance commissioner, two thousand dollars.
Second clerk.	For the salary of the second clerk of the insurance commissioner, one thousand five hundred dollars.
Extra clerk.	For the salary of one extra clerk of the insurance commissioner, one thousand two hundred dollars.
Additional clerical assistance.	For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding eleven thousand dollars, payable from fees received for the valuation of life policies.
Inspector of gas-meters.	For the salary and expenses of the inspector of gas-meters, three thousand dollars.
Secretary of board of health.	For the salary of the secretary of the state board of health, two thousand five hundred dollars.
Secretary of commissioners of prisons.	For the salary of the secretary of the commissioners on prisons, two thousand dollars.
Railroad commissioners.	For the salaries of the railroad commissioners, twelve thousand dollars.
Clerks.	For the salaries of the clerks of the railroad commissioners, five thousand dollars.
Assayer and inspector of liquors.	For the salary of the assayer and inspector of liquors, two thousand five hundred dollars.
Bureau of statistics of labor.	For the salary of the chief of the bureau of statistics of labor, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk in the bureau of statistics of labor, one thousand five hundred dollars.
Clerical services.	For the compensation of other clerical services and for expenses of the bureau of statistics of labor, a sum not exceeding five thousand dollars.
Land commissioners.	For the compensation of the land commissioners, a sum not exceeding four thousand dollars.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars. Secretary.

For the salary of the clerk of the secretary of the board of agriculture, one thousand two hundred dollars. Clerk.

For compensation of other clerical services in the office of the secretary of said board, and for lectures before the board, four hundred dollars. Clerical services and lectures.

CHARITABLE DEPARTMENT.

For the salary of the secretary of the board of state charities, two thousand five hundred dollars. Secretary.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding four thousand seven hundred dollars. Clerical assistance.

For the salary of the general agent of the board of state charities, three thousand dollars. General agent.

For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding eight thousand dollars. Clerical and other assistance.

For the salary of the visiting agent of the board of state charities, two thousand five hundred dollars. Visiting agent.

For such clerical and other assistance as the visiting agent of the board of state charities may find necessary, a sum not exceeding eight thousand five hundred dollars. Clerical and other assistance.

For the salary of the agent of the sick state poor, a sum not exceeding seven dollars and a half per day, for each day of actual service. Agent of sick state poor.

For such clerical and other assistance as the agent of the sick state poor may find necessary, a sum not exceeding four thousand five hundred dollars. Clerical and other assistance.

EDUCATIONAL DEPARTMENT.

For the salary and expenses of the secretary of the board of education, two thousand nine hundred dollars. Board of education—secretary.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars. Clerk and assistant librarian.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding two thousand and sixteen dollars. Additional clerical assistance.

MILITARY DEPARTMENT.

Adjutant-general.	For the salary of the adjutant-general, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk of the adjutant-general, two thousand dollars.
Second clerk.	For the salary of the second clerk of the adjutant-general, one thousand eight hundred dollars.
Additional clerical assistance.	For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding five thousand dollars.
Surgeon-general.	For the salary of the surgeon-general, two thousand five hundred dollars.
First clerk.	For the salary of the first clerk of the surgeon-general, two thousand dollars.
Second clerk.	For the salary of the second clerk of the surgeon-general, one thousand three hundred dollars.
Messenger.	For the salary of the messenger of the surgeon-general, one thousand dollars.
Employés at arsenal.	For the compensation of the employés at the state arsenal, a sum not exceeding three thousand three hundred dollars.
Clerical assistance.	For such clerical assistance as the adjutant-general may find necessary in preparing for publication "a list of Massachusetts officers, sailors and marines, who served in the navy in the late war," a sum not exceeding two thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1878.

Chap. 3 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit:—
Senators — Compensation.	For the compensation of senators, a sum not exceeding twenty-six thousand six hundred and fifty dollars.
Mileage.	For the mileage of senators, a sum not exceeding fifty dollars.
Representatives — Compensation.	For the compensation of representatives, a sum not exceeding one hundred fifty-seven thousand six hundred and fifty dollars.
Mileage.	For the mileage of representatives, a sum not exceeding five hundred dollars.

For the compensation of the preacher of the election sermon, one hundred dollars. Preacher of election sermon.

For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars. Chaplains.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding ten thousand dollars. Doorkeepers and messengers.

For the expenses of summoning witnesses before committees, and for fees of such witnesses, a sum not exceeding five hundred dollars. Witnesses before committees.

For the authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, a sum not exceeding eight thousand dollars. Expenses of committees.

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1878.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE RELIEF OF THE EASTERN RAILROAD COMPANY, AND THE SECURING OF ITS DEBTS AND LIABILITIES."

Chap. 4

Be it enacted, &c., as follows:

SECTION 1. Whenever vacancies occur in the board of directors chosen under the provisions of chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six, such vacancies, if occurring among the six directors chosen by the holders of certificates of indebtedness, shall be filled by the remaining directors so chosen, and if occurring among the three directors chosen by the stockholders, shall be filled by the remaining directors so chosen. Mode of filling vacancies in the board of directors.

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1878.

AN ACT IN FURTHER ADDITION TO AN ACT RELATING TO THE MYSTIC RIVER CORPORATION.

Chap. 5

Be it enacted, &c., as follows:

The time allowed for the completion of the improvements authorized by the several acts relating to the Mystic River Corporation is hereby extended ten years. Time extended for the completion of improvements.

Approved January 30, 1878.

AN ACT IN RELATION TO THE PUBLICATION OF RULES TO REGULATE THE TRANSPORTATION OF EXPLOSIVE COMPOUNDS.

Chap. 6

Be it enacted, &c., as follows:

SECTION 1. Section four of chapter two hundred and sixteen of the acts of the year eighteen hundred and seventy-seven is hereby amended so that the rules there- Transportation of explosive compounds.

in provided for shall be published once a week during a period of four weeks in one or more daily newspapers published in the cities of Boston, Worcester and Springfield.

SECTION 2. This act shall take effect upon its passage.
Approved January 30, 1878.

Chap. 7 AN ACT IN RELATION TO NOTICE OF ACCIDENTS ON RAILROADS
ATTENDED WITH LOSS OF LIFE TO ANY PERSON.

Be it enacted, &c., as follows:

Amendment to
1874, 372, § 159.

Section one hundred and fifty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby amended by substituting for the word "coroner," where the same occurs in said section, the words "medical examiner."

Approved February 11, 1878.

Chap. 8 AN ACT TO CHANGE A PART OF THE BOUNDARY LINE BETWEEN
THE TOWNS OF HANOVER AND SOUTH SCITUATE.

Be it enacted, &c., as follows:

Boundary line
established.

SECTION 1. That part of the town of Hanover lying north of straight line extending westerly from a point in Jacobs' mill pond, twenty-three feet north of a stone post marked H. and S. now standing in the north side of the dam of said pond, to the stone monument now standing in the north line of Hanover, at the corner of the towns of Rockland and South Scituate, is hereby set off from the town of Hanover and annexed to the town of South Scituate; and that part of the town of South Scituate lying south of said straight line, is hereby set off from the town of South Scituate and annexed to the town of Hanover.

South Scituate
to pay Hanover
two hundred
and seventy-five
dollars.

SECTION 2. The town of South Scituate shall pay to the town of Hanover, within three months after this act shall take effect, the sum of two hundred and seventy-five dollars, as the just compensation to which said town of Hanover is entitled by reason of this act.

SECTION 3. This act shall take effect upon its passage.

Approved February 11, 1878.

Chap. 9 AN ACT TO CHANGE THE TIME OF HOLDING THE JUNE TERM
OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS FOR THE
COUNTY OF MIDDLESEX.

Be it enacted, &c., as follows:

Criminal term to
be holden on
first Monday of
June.

SECTION 1. The term of the superior court for criminal business, now holden at Cambridge, within and for the county of Middlesex, on the fourth Monday of June, shall be holden on the first Monday of June.

SECTION 2. This act shall take effect on and after the first day of January next. *Approved February 11, 1878.*

AN ACT CONCERNING THE SEWAGE OF THE STATE PRISON, IN THE TOWN OF CONCORD. *Chap. 10*

Be it enacted, &c., as follows:

SECTION 1. The warden and board of inspectors of the state prison, in the town of Concord, are hereby prohibited from causing or permitting the discharge, through any sewer or drain, of any portion of the sewage of said prison into the Concord River or any of its tributaries, unless said sewage shall have been purified or cleansed in a manner satisfactory to the state board of health.

Sewage of state prison not to discharge into Concord River.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1878.

AN ACT TO PROVIDE FOR THE PAYMENT IN GOLD COIN, OF THE INTEREST AND PRINCIPAL OF MASSACHUSETTS SCRIP OR BONDS. *Chap. 11*

Be it enacted, &c., as follows:

The interest and principal of all scrip or bonds of the Commonwealth of Massachusetts are payable, and when due, shall be paid in gold coin or its equivalent.

Bonds payable in gold coin.

Approved February 13, 1878.

AN ACT IN RELATION TO CERTAIN FIRE INSURANCE COMPANIES OF OTHER STATES. *Chap. 12*

Be it enacted, &c., as follows:

SECTION 1. Fire insurance companies, incorporated by or under the law of any state of the United States other than the Commonwealth of Massachusetts, and by such law authorized to issue policies of insurance upon both the cash and mutual plans, are and shall be authorized to issue policies of insurance in this Commonwealth for premiums payable wholly in cash: *provided*, that no such company shall be permitted to transact business in this Commonwealth until it shall have satisfied the insurance commissioner that it is possessed of cash assets, over and above all liabilities except unearned premiums, equal to fifty per centum of all cash premiums on policies in force, and that it has premium notes liable to assessment amounting to the sum of at least two millions of dollars, which notes may by law be or become a lien upon the property insured and liable to assessment for the payment of losses and expenses for their full amount; and that it has complied with all laws of this Commonwealth which are applicable to such corporations; and *provided, further*, that no such fire insurance company shall have at risk in any fire insurance district in this Commonwealth an amount exceeding its net cash assets.

Foreign companies, duly authorized to issue policies upon both cash and mutual plans, may issue policies for cash premiums wholly.
Proviso.

Proviso.

Repeal of 1875,
42.

SECTION 2. Chapter forty-two of the acts of eighteen hundred and seventy-five is hereby repealed.

SECTION 3. This act shall take effect upon its passage.
Approved February 15, 1878.

Chap. 13 AN ACT TO PROVIDE MONEYS FOR THE LAW LIBRARY OF FRANKLIN COUNTY.

Be it enacted, &c., as follows:

County commis-
sioners may ap-
propriate money
for benefit of the
law library of
the county.

Proviso.

The county treasurer of the county of Franklin shall annually pay to the county law library association of that county, such sums of money as the county commissioners of that county may order, which money shall be used to maintain and enlarge the law library belonging to that county: *provided*, that after one thousand dollars shall have been paid to said association, by virtue of this or other laws, in any year, no further sums shall be payable thereto from the county treasury in that year.

Approved February 15, 1878.

Chap. 14 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE ALMSHOUSE, THE STATE WORKHOUSE, THE STATE PRISONS, THE STATE PRIMARY SCHOOL, THE STATE REFORM SCHOOL FOR BOYS, THE STATE INDUSTRIAL SCHOOL FOR GIRLS, THE STATE DETECTIVE FORCE, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purpose of meeting the current expenses of the institutions hereinafter named, and for other purposes, during the year eighteen hundred and seventy-eight, to wit:—

State
almshouse,
Tewksbury.

For the payment of salaries and wages at the state almshouse at Tewksbury, a sum not exceeding nineteen thousand six hundred dollars; and for other current expenses of said institution, a sum not exceeding seventy-two thousand four hundred dollars.

State primary
school, Monson.

For the payment of salaries and wages at the state primary school at Monson, a sum not exceeding fourteen thousand eight hundred dollars; and for other current expenses of said institution, a sum not exceeding forty-three thousand five hundred dollars.

General agent's
expenses.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

Secretary's
expenses.

For expenses of the secretary of the board of state charities, a sum not exceeding six hundred dollars.

Visiting agent's
expenses.

For expenses of the visiting agent of the board of state charities, a sum not exceeding four thousand dollars.

For expenses of the agent for the sick state poor, a sum not exceeding two thousand five hundred dollars.	Agent for sick state poor.
For travelling and other expenses of the board of state charities, a sum not exceeding eight hundred dollars.	Travelling expenses.
For the support and relief of state lunatic paupers in state hospitals, and in the state asylum for the chronic insane at Worcester, a sum not exceeding ninety-five thousand dollars.	Lunatic paupers in hospitals.
For the support of state paupers by cities and towns, a sum not exceeding twenty thousand dollars.	Support by cities and towns.
For the burial of state paupers by cities and towns, a sum not exceeding seven thousand dollars.	Burial of state paupers.
For the temporary support of state paupers by cities and towns, a sum not exceeding forty thousand dollars.	Temporary support.
For the support of Indian state paupers, a sum not exceeding two hundred and fifty dollars.	Indian state paupers.
For the support of pauper convicts, a sum not exceeding five hundred dollars.	Pauper convicts.
For the re-imbursement of the Massachusetts infant asylum, for the support of infants having no known settlement in the Commonwealth, a sum not exceeding eight thousand dollars.	Infant asylum.
For the transportation of state paupers, to be expended under the direction of the general agent of the board of state charities, a sum not exceeding ten thousand dollars.	Transportation of state paupers.
For the re-imbursement of cities and towns for expenses incurred in the transportation of state paupers to the state almshouse, a sum not exceeding one thousand dollars.	Re-imbursement of cities and towns for transportation to almshouse.
For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of, or in behalf of, persons confined as lunatics, a sum not exceeding two thousand dollars.	Cases of settlement, &c.
For expenses incurred in connection with small-pox and other diseases dangerous to the public health, a sum not exceeding five thousand dollars.	Dangerous diseases.
For the Massachusetts school for idiotic and feeble-minded youth, a sum not exceeding seventeen thousand five hundred dollars.	Idiotic and feeble-minded youth.
For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand three hundred dollars.	Johonnot annuities.
For other annuities, a sum not exceeding one thousand seven hundred and fifty dollars.	Annuities.
For pensions, a sum not exceeding seven hundred and sixteen dollars.	Pensions.

Advisory board
of women.

For expenses incurred by the advisory board of women for sundry institutions, a sum not exceeding six hundred dollars.

REFORMATORY AND CORRECTIONAL.

State detective
force.

For the salary of the chief of the state detective force, two thousand five hundred dollars; for the compensation of the detectives, a sum not exceeding thirty-six thousand dollars; for travelling expenses actually paid by said detectives, a sum not exceeding twelve thousand dollars; and for incidental and contingent expenses, a sum not exceeding seven thousand dollars.

State prison.

For the payment of salaries and wages at the state prison, a sum not exceeding fifty thousand dollars; and for other current expenses of said institution, a sum not exceeding ninety-five thousand dollars.

State reform
school.

For the payment of salaries and wages at the state reform school at Westborough, a sum not exceeding twenty-two thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding thirty-five thousand dollars.

State industrial
school.

For the payment of salaries and wages at the state industrial school at Lancaster, a sum not exceeding eight thousand five hundred dollars; and for other current expenses of said institution, a sum not exceeding seventeen thousand dollars.

State
workhouse.

For the payment of salaries and wages at the state workhouse at Bridgewater, a sum not exceeding twelve thousand dollars; and for other current expenses of said institution, a sum not exceeding thirty-eight thousand dollars.

Arrest of
fugitives.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding three thousand dollars.

Discharged
convicts.

For the salary of the agent for the relief of discharged convicts, one thousand dollars; and for the expenses of said agent, a sum not exceeding three thousand dollars.

Inquests.

For expenses incurred in connection with medical examinations and inquests, a sum not exceeding two thousand dollars.

Prison
commissioners.

For expenses of the board of prison commissioners, a sum not exceeding two thousand one hundred dollars.

State prison
for women.

For the payment of salaries and wages at the state prison for women, a sum not exceeding eighteen thousand dollars; and for other current expenses of said institution, a sum not exceeding forty-four thousand five hundred dollars.

For fees and expenses incurred in the removal and commitment of prisoners to the prison for women, a sum not exceeding one thousand five hundred dollars.

Commitment to prison for women.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT TO CONFIRM THE CHANGE OF NAME BY THE SOUTH MALDEN CONGREGATIONAL SOCIETY, AND THE DOINGS OF AND CONVEYANCES TO AND BY THE EVERETT CONGREGATIONAL SOCIETY.

Chap. 15

Be it enacted, &c., as follows:

SECTION 1. The proceedings of the South Malden Congregational Society, relating to the change of the name of said society to that of the Everett Congregational Society, and all proceedings in the name of the Everett Congregational Society, from the date of said change up to the first day of November eighteen hundred and seventy-seven, as now recorded in the records of the same, and all conveyances to, by or in the name of, the Everett Congregational Society, are hereby ratified, established and confirmed, any defects or informalities therein to the contrary notwithstanding.

Proceedings confirmed and conveyances ratified.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT TO CHANGE THE NAME OF THE VINE STREET CONGREGATIONAL SOCIETY IN BOSTON.

Chap. 16

Be it enacted, &c., as follows:

SECTION 1. The name of the Vine Street Congregational Society in Boston is changed to that of the Immanuel Congregational Society.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY HENRY E. TANTOR OF HARTFORD, IN THE STATE OF CONNECTICUT, AS COMMISSIONER FOR MASSACHUSETTS.

Chap. 17

Be it enacted, &c., as follows:

SECTION 1. All acts done by Henry E. Taintor of Hartford, in the state of Connecticut, as commissioner for this Commonwealth, within and for said state, between the fourteenth day of April in the year eighteen hundred and seventy-six, and the fourteenth day of March in the year eighteen hundred and seventy-seven, are hereby confirmed and made valid, to the same extent as if during

Acts confirmed and made valid.

that time he had been duly appointed and qualified to perform the duties of that office.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

Chap. 18 AN ACT TO CONFIRM CERTAIN ACTS DONE BY HARVEY KIRKLAND AS A JUSTICE OF THE PEACE.

Be it enacted, &c., as follows:

Acts confirmed
and made valid.

SECTION 1. All acts done by Harvey Kirkland as a justice of the peace within and for the county of Hampshire, between the fourth day of August eighteen hundred and seventy-six, and the twenty-third day of November eighteen hundred and seventy-seven, are made valid and confirmed to the same extent as though he had been, during that time, qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

Chap. 19 AN ACT TO AMEND SECTION ONE OF CHAPTER ONE HUNDRED AND THIRTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SEVEN, CONCERNING THE BOUNDARY LINE, IN PART, BETWEEN THE TOWNS OF MEDFORD AND MALDEN.

Be it enacted, &c., as follows:

Medford and
Malden —
Boundary line
changed.

SECTION 1. Section one of chapter one hundred and thirty-nine of the acts of the year eighteen hundred and seventy-seven is hereby amended, so that the second and third courses of the boundary lines in said section described, shall read and hereby be established as follows, to wit: — Thence running northerly to a stone monument on the southerly line of the town of Stoneham; thence easterly nine hundred ninety and sixty-four one-hundredths feet to a stone monument at the intersection of the southerly line of said Stoneham and the westerly line of the town of Melrose.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

Chap. 20 AN ACT IN ADDITION TO AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Be it enacted, &c., as follows:

May borrow
money for build-
ing bridge across
the Connecticut
River.

SECTION 1. The county commissioners of Hampden County may borrow, on the credit of said county, an additional sum not exceeding fifteen thousand dollars, to pay the expenses of building and constructing the free

bridge and highway across the Connecticut River at Springfield, provided for by chapter one hundred and thirty of the acts of the year one thousand eight hundred and seventy-two: said sum to be borne and paid in the manner provided by sections five, six and seven of said act.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1878.

AN ACT RELATING TO THE APPOINTMENT OF CITY PHYSICIAN
IN CERTAIN CITIES OF THE COMMONWEALTH.

Chap. 21

Be it enacted, &c., as follows:

SECTION 1. In the cities of the Commonwealth where the city physician is *ex officio* a member of the board of health, said city physician shall be appointed by the mayor, with the approval of the board of aldermen, for a term of three years: and shall be subject to removal, for cause, by the same authority.

City physician,
if member of
board of health,
to be appointed
by mayor for
three years.

SECTION 2. This act shall take effect on the first day of January in the year eighteen hundred and seventy-nine.

To take effect
Jan. 1, 1879.

Approved February 21, 1878.

AN ACT TO PROVIDE FOR THE PRINTING OF CERTAIN EXTRA
COPIES OF THE SAVINGS BANK COMMISSIONERS' REPORT.

Chap. 22

Be it enacted, &c., as follows:

SECTION 1. There shall be printed five hundred extra copies of the report of the bank commissioners, the same to be placed at the disposal of said commissioners.

Report of the
bank commis-
sioners.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO FURNISH PUPILS
IN THE PUBLIC SCHOOLS WITH STATIONERY.

Chap. 23

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and six of the acts of the year eighteen hundred and seventy-three is hereby amended by inserting after the word "text-books," where the same first occurs in said section, the words "and stationery."

Stationery for
pupils in the
public schools.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO PREVENT THE SPREADING OF CONTAGIOUS AND IN-
FECTIOUS DISEASES AMONG DOMESTIC ANIMALS.

Chap. 24

Be it enacted, &c., as follows:

SECTION 1. The selectmen of towns, the mayor and

Contagious and
infectious dis-
eases among do-
mestic animals.

Duties of city and town authorities and cattle commissioners.

aldermen of cities, and the cattle commissioners of this Commonwealth, shall have and may exercise the powers and shall be subject to the duties for the prevention of the diseases known as farcy and glanders among horses, asses and mules, and for the prevention of contagious and infectious diseases among domestic animals, that are now conferred or imposed upon them by the laws relating to the prevention of contagious diseases among cattle.

Penalties.

SECTION 2. The penalties imposed by chapter two hundred and nineteen of the acts of the year one thousand eight hundred and sixty, entitled "An Act concerning contagious diseases among cattle," are hereby made applicable to any violation of law relating to the diseases in horses, asses and mules, known as farcy and glanders, or relating to contagious or infectious diseases in domestic animals.

Approved February 28, 1878.

Chap. 25 AN ACT RELATING TO THE CONDUCT OF THE INMATES OF THE REFORMATORY PRISON FOR WOMEN AT SHERBORN.

Be it enacted, &c., as follows :

Record of conduct to be kept, and term of imprisonment reduced in certain cases.

SECTION 1. The provisions of section forty-seven of chapter one hundred and seventy-eight of the General Statutes are hereby made applicable to the reformatory prison for women at Sherborn.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

Chap. 26 AN ACT TO PRESCRIBE THE METHOD OF ELECTING BOARDS OF HEALTH IN TOWNS.

Be it enacted, &c., as follows :

Election of boards of health by written ballots.

SECTION 1. The election of boards of health in towns under the provisions of section one of chapter twenty-six of the General Statutes shall be by written ballots.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

Chap. 27 AN ACT CONCERNING THE DISTRIBUTION OF THE MINISTERIAL FUND IN THE TOWN OF LANESBOROUGH.

Be it enacted, &c., as follows :

Income of ministerial fund to be divided.

SECTION 1. The income of the ministerial fund in the town of Lanesborough, accruing after the first day of April in the year one thousand eight hundred and seventy-eight, shall be equally divided between the Congregational, Episcopal, Baptist and Methodist societies in said town, and shall be paid by the trustees of said fund in like manner and at such times as said income has here-

tofore been paid to the Congregational, Baptist and Episcopal societies.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO AUTHORIZE THE PIERCE ACADEMY IN THE TOWN OF MIDDLEBOROUGH TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 28

Be it enacted, &c., as follows:

SECTION 1. The Pierce Academy in the town of Middleborough is hereby authorized to hold by purchase or otherwise, real and personal estate to an amount not exceeding thirty thousand dollars, to be devoted exclusively to the purposes of education, in addition to the amount authorized by chapter forty-four of the acts of the year eighteen hundred and thirty-five.

Additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO INCORPORATE THE LEE WATER COMPANY.

Chap. 29

Be it enacted, &c., as follows:

SECTION 1. Elizur Smith, Wellington Smith, De Witt S. Smith and Albert J. Morey, their associates and successors, are hereby made a corporation by the name of the Lee Water Company, for the purpose of furnishing the inhabitants of Lee with pure water for the extinguishment of fires, domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Powers and duties.

SECTION 2. Said corporation may take, hold and convey into and through the town of Lee, or any part thereof, the water in what is known as Laurel Lake; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or

May take water from Laurel Lake.

May take and hold land.

other way for the purpose of laying or repairing its aqueducts, pipes or other works ; and in general may do any other acts and things necessary, convenient or proper for carrying out the purposes of this act.

To file in registry of deeds a description of land taken.

SECTION 3. Said corporation shall, within sixty days after the taking of any land under this act, file in the registry of deeds of the county of Berkshire a description of any land so taken, sufficiently accurate for identification, and state the purpose for which it is taken ; and the title of land so taken shall vest in said corporation. Any person injured in any way by any of the acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have them assessed and determined in the manner provided when land is taken for highways.

Assessment of damages.

May establish water rates.

SECTION 4. Said corporation may distribute the water through said Lee ; may establish and fix from time to time rates for the use of said water, and collect the same ; and may make such contracts with the town of Lee, or with the Lee fire district, or with individuals, to supply water for fire or for other purposes, as may be agreed upon by said town, district or individuals and said corporation.

Real and personal estate.

SECTION 5. Said corporation for the purposes set forth in this act may hold real and personal estate not exceeding in amount twenty thousand dollars in value ; and the whole capital stock shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each.

Penalty for diverting water or rendering it impure.

SECTION 6. If any person shall use any of said water taken under this act, without the consent of said corporation, or shall wantonly or maliciously divert the water or any part thereof so taken, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said corporation, under the authority of and for the purposes of this act, he shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort ; and on conviction of either of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Town may purchase charter and rights of company at cost.

SECTION 7. The town of Lee shall have the right, at any time during the continuance of the charter hereby granted, to purchase the corporate property and all the rights and privileges of said company at the actual cost of the same, or if mutually agreed upon between said corpo-

ration and the said town of Lee, at a less price; and the said corporation is authorized to make sale of the same to said town. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town, by a two-thirds vote of the voters present and voting thereon, at any annual meeting or at a legal meeting called for that purpose.

Proviso.

SECTION 8. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO INCORPORATE THE THIRD CONGREGATIONAL CHURCH
IN CHELSEA.

Chap. 30

Be it enacted, &c., as follows:

SECTION 1. Jacob Pratt, Allison H. Palmer, Charles H. Newell and all other members of the Third Congregational Church in Chelsea, and their successors, as members of said church, are hereby made a corporation, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to religious societies.

Corporators.

Powers and duties.

SECTION 2. Said corporation shall be called "The Third Congregational Church."

Corporate name.

SECTION 3. Said corporation may hold real and personal estate, to an amount not exceeding fifty thousand dollars, for parochial and religious purposes.

Real and personal estate.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1878.

AN ACT TO AMEND SECTION SEVEN OF CHAPTER TWO HUNDRED AND SEVENTEEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-FIVE, MAKING THE COMMISSIONERS OF THE SINKING FUNDS OF THE CITY OF TAUNTON, TRUSTEES OF THE WATER LOAN SINKING FUND.

Chap. 31

Be it enacted, &c., as follows:

SECTION 1. Section seven of chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five is hereby amended by striking out all words in said section after the word "discharged," and inserting the following: — "The commissioners of the sinking funds of said city of Taunton shall be trustees of said sinking fund; and shall annually, or as often as said city may require, render an account of all the doings in relation thereto."

Commissioners of sinking funds to be trustees thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1878.

- Chap. 32* AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO THE ALEWIFE AND OTHER FISHERIES IN THE TOWNS OF BRIDGEWATER, WEST BRIDGEWATER, EAST BRIDGEWATER AND HALIFAX.

Be it enacted, &c., as follows :

Amendment to
1872, 190.

SECTION 1. Section three of chapter one hundred and ninety of the acts of the year eighteen hundred and seventy-two is hereby amended by adding after the word "flow," at the end of said section, the following words:—"And it shall be lawful for said towns to agree upon and take said fish at one common fishing place for all of said towns, upon either of said rivers or their tributaries, within their limits or upon that portion of the Taunton River within the limits of the town of Bridgewater; to regulate the taking of said fish under the direction of said commissioners, and to determine the manner in which the expense attending such common fishing shall be apportioned between them, and to make all necessary appropriations therefor."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1878.

- Chap. 33* AN ACT TO AMEND SECTION TEN OF CHAPTER THREE HUNDRED AND SEVENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-TWO, RELATING TO THE ORGANIZATION OF MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, &c., as follows :

Amendment to
1872, 375, §10.

SECTION 1. Section ten of chapter three hundred and seventy-five of the acts of eighteen hundred and seventy-two is hereby amended by inserting after the words "five hundred thousand dollars," the words, "in sums not exceeding twenty-five hundred dollars on any one risk."

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1878.

- Chap. 34* AN ACT MAKING APPROPRIATIONS FOR CERTAIN EDUCATIONAL EXPENSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, unless otherwise ordered, for the purposes specified, to wit, —

Normal schools.

For the support of normal schools, a sum not exceeding sixty-four thousand dollars, to be paid out of the moiety of the income of the school fund applicable to educational purposes.

For the support of the state normal art school, the same to include rent, taxes, etc., a sum not exceeding twenty thousand dollars.	Normal art school.
For the Massachusetts teachers' association, three hundred dollars.	Teachers' association.
For the expenses of the members of the board of education, a sum not exceeding four hundred dollars.	Board of education.
For salaries and expenses of the agents of the board of education, a sum not exceeding five thousand two hundred dollars.	Agents of board of education.
For postage, printing, stationery, advertising, transportation of documents for the board of education and the secretary thereof, a sum not exceeding one thousand dollars.	Printing, stationery, &c.
For printing the annual and supplementary reports of the board of education, a sum not exceeding three thousand dollars.	Annual reports.
For teachers' institutes, a sum not exceeding two thousand dollars.	Teachers' institutes.
For county teachers' associations, a sum not exceeding three hundred dollars.	County teachers' associations.
For aid to the pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual payments, to be expended under direction of the board of education.	Aid to pupils in normal schools.
For the Perkins institution and the Massachusetts asylum for the blind, the sum of thirty thousand dollars.	Asylum for blind.
For the support of Massachusetts beneficiaries in the asylums for the deaf and dumb, and in other institutions of the same character, quarterly returns of which shall be made to the auditor, a sum not exceeding thirty thousand dollars.	Asylums for deaf and dumb.
The income of the Rogers book fund, of the Todd normal school fund, and of the Agricultural College fund, shall be expended in accordance with the provisions of the various acts relating thereto.	Income of agricultural college and other funds.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1878.

AN ACT RELATING TO DIVIDENDS OF JOINT-STOCK FIRE, MARINE,
AND FIRE-MARINE INSURANCE COMPANIES.

Chap. 35

Be it enacted, &c., as follows:

SECTION 1. Joint-stock fire, marine, and fire-marine insurance companies, organized or incorporated under the laws of this Commonwealth, are hereby authorized to declare and pay to the stockholders of their respective companies, cash dividends, not exceeding ten per centum a

May pay to stockholders ten per cent. dividends.

year, on their capital stock; and if their dividends are less than ten per centum in any year the difference may be made up in any subsequent year or years when the net profits and income are sufficient therefor; but no dividends in arrears shall be computed as accruing prior to the third day of April in the year eighteen hundred and seventy-five.

May issue to stockholders certificates of surplus, which shall be deemed to be an increase of capital.

SECTION 2. Insurance companies as aforesaid may issue *pro rata*, to their stockholders, certificates of such portions of the actual surplus as the company may from time to time determine, which shall be deemed to be an increase of the capital stock to the extent of such new certificates so issued; but no dividend, either in cash or stock certificate, shall be made by any such company, except from actual surplus fund of the company; such surplus to be computed in the same manner as is now required by law by such insurance companies in making their annual report to the insurance commissioner of this Commonwealth.

When capital is increased under this act, certificate to be filed.

SECTION 3. Whenever any increase of the capital stock shall be made by any insurance company under the provisions of this act, a certificate thereof shall be signed and sworn to by the president, secretary and a majority of the directors, and forthwith presented to the insurance commissioner, who shall examine the facts in the case, and if the same conform to law, shall endorse his approval thereof; such certificate shall then be filed with the secretary of the Commonwealth; and thereupon the company shall be authorized to transact business upon the capital so increased, and the insurance commissioner shall issue his certificate to that effect.

Fee of five dollars for filing certificate.

SECTION 4. The fee for filing the certificate required by the preceding section, to be filed in the office of the secretary of the Commonwealth, shall be five dollars.

Repeal of 1874, 222.

SECTION 5. Chapter two hundred and twenty-two of the acts of eighteen hundred and seventy-four, and all acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved March 6, 1878.

Chap. 36 AN ACT RELATING TO THE ATTORNEY IN THIS COMMONWEALTH OF INSURANCE COMPANIES OF OTHER STATES AND COUNTRIES.

Be it enacted, &c., as follows:

Foreign insurance companies shall appoint the

SECTION 1. Every insurance company or association not incorporated or organized under the laws of this Com-

monwealth, shall, before doing business in this Commonwealth, appoint in writing the insurance commissioner of this Commonwealth or his successor in office, to be the true and lawful attorney of such company in and for this Commonwealth, upon whom all lawful processes in any action or proceeding against the company may be served with like effect as if the company existed in this Commonwealth. Said writing or power of attorney shall stipulate and agree on the part of the company that any lawful process against the company which is served on said attorney shall be of the same legal force and validity as if served on the company, and that the authority shall continue in force so long as any liability remains outstanding against the company in this Commonwealth. A copy of the writing or power of attorney, duly certified and authenticated, shall be filed in the office of the insurance commissioner, and copies certified by him shall be deemed sufficient evidence. Service upon such attorney shall be deemed sufficient service upon the principal.

insurance commissioner to be their attorney, on whom processes may be served.

SECTION 2. Whenever lawful process against an insurance company shall be served upon the insurance commissioner, he shall immediately notify the company sued, of such service by letter, prepaid, and directed to the secretary of the company, or in the case of companies of foreign countries to the resident manager, if any, in this country; and he shall, within two days after such service, forward in the same manner a copy of the process served on him to the persons before mentioned, or to some person, if any, who has previously been designated by the company in writing. For each copy of process he shall collect from the company and pay into the treasury of the Commonwealth, the sum of two dollars. He shall keep a careful record of all processes served upon him, which record shall show the day and hour upon which such service was made.

Commissioner to notify company when process has been served.

To keep a record of processes served upon him.

SECTION 3. Section seventy-one of chapter fifty-eight of the General Statutes is hereby amended by striking out the words "the general agent of," at the beginning of said section.

Amendment to G. S. 58, § 71.

SECTION 4. Section two of chapter one hundred and fourteen of the acts of eighteen hundred and sixty-four is hereby amended, by striking out the words "a general agent, the filing of said appointment, and the continuance of such agency," and inserting in place thereof the words "an attorney."

Amendment to 1864, 114, § 2.

Repeal,
G.S. 58, §§ 68, 69,
1872, 325, § 4.

SECTION 5. Section sixty-eight and the first sentence of section sixty-nine of chapter fifty-eight of the General Statutes, and section four of chapter three hundred and twenty-five of the acts of eighteen hundred and seventy-two, are hereby repealed; but this repeal shall not affect any liability already incurred under said acts, or the remedies for recovering or enforcing the same. All attorneyships now in force shall continue in full force and effect until a new appointment is made and filed as provided in the first section of this act.

Attorneyships
now in force to
continue until
new appoint-
ments are made.

SECTION 6. This act shall take effect upon its passage.

Approved March 6, 1878.

Chap. 37 AN ACT TO EXTEND THE TIME FOR APPLICATIONS FOR DAMAGES FOR LAND TAKEN FOR THE LOCATION OF THE MASSACHUSETTS CENTRAL RAILROAD.

Be it enacted, &c., as follows:

Time extended
for making ap-
plications for
land damages.

The time within which claimants for damages for land taken by the Massachusetts Central Railroad Company for the location of its railroad may make application to the county commissioners, under the provisions of section seventy-eight of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby extended to the first day of May in the year eighteen hundred and seventy-nine.

Approved March 6, 1878.

Chap. 38 AN ACT TO EXTEND THE TIME FOR COMMENCING AND COMPLETING THE CAPE COD SHIP CANAL, AND TO REDUCE THE CAPITAL STOCK OF THE COMPANY.

Be it enacted, &c., as follows:

Time extended
for constructing
canal.

SECTION 1. The time fixed by chapter twelve of the acts of the year eighteen hundred seventy-six, for commencing and completing the Cape Cod Ship Canal, is hereby extended, so that said canal may be commenced within two years and completed within five years from the passage of this act: *provided*, that the capital stock of the Cape Cod Ship Canal Company shall not exceed the sum of four million dollars.

Capital stock
not to exceed
\$4,000,000.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1878.

Chap. 39 AN ACT REGULATING THE APPOINTMENT OF PILOTS FOR THE PORT OF MARBLEHEAD.

Be it enacted, &c., as follows:

Port-wardens
for the port of
Marblehead.

SECTION 1. There shall be appointed by the governor, with the advice and consent of the council, three persons

to be denominated port wardens for the port of Marblehead who shall hold their offices during the pleasure of the governor and council. They shall recommend to the governor suitable persons to be pilots for the port of Marblehead, who shall receive commissions as such, if approved by the governor, with the consent of the council.

SECTION 2. Section eight of chapter one hundred and seventy-six of the acts of the year one thousand eight hundred and sixty-two is hereby amended by striking out the word "Marblehead."

Amendment to
1862, 176, § 8.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1878.

AN ACT TO ENABLE THE BRISTOL COUNTY AGRICULTURAL SOCIETY TO OBTAIN ITS STATE BOUNTY.

Chap. 40

Be it enacted, &c., as follows:

SECTION 1. The treasurer of the Commonwealth is hereby directed to pay to the Bristol County Agricultural Society the bounty it would have been entitled to receive, had it made its annual return on the tenth of January in the year eighteen hundred and seventy-eight.

To receive the
state bounty.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1878.

AN ACT CONCERNING THE MAINTENANCE OF CHELSEA BRIDGE.

Chap. 41

Be it enacted, &c., as follows:

SECTION 1. The city of Chelsea shall maintain and repair that portion of Chelsea Bridge over Mystic River, lying north-easterly of the north-easterly draw therein; and the city of Boston shall maintain and repair that portion of said bridge lying south-westerly of said draw; and said draw, together with the draw-piers, shall be maintained and repaired equally by said cities.

Maintenance of
bridge.

SECTION 2. Said cities shall be respectively liable for damages resulting from defects in the portion of said bridge which by this act they are severally required to maintain and repair.

Draw and draw-
piers.

Liability for
damages.

SECTION 3. All acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1878.

AN ACT TO AMEND AN ACT TO INCORPORATE THE TRUSTEES OF THE TUFTS COLLEGE.

Chap. 42

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and

Amendment to
1852, 141, § 1.

forty-one of the acts of the year eighteen hundred and fifty-two is hereby amended by striking out the word "twenty-three," the last word in said section, and substituting therefor the word "thirty."

Amendment to
1852, 141, § 2.

SECTION 2. The last clause of section two of the act aforesaid is also amended by striking out the word "half," and inserting instead thereof the word "third."

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1878.

Chap. 43 AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO WIDEN ITS FREIGHT BRIDGE ACROSS CHARLES RIVER.

Be it enacted, &c., as follows:

May widen
freight bridge
across Charles
River.

SECTION 1. The Boston and Lowell Railroad Corporation is hereby authorized to widen the northerly portion of its freight bridge across Charles River, so far as may be necessary to make said bridge of a uniform width of fifty-two feet across said river; subject to the approval of the harbor commissioners; but said widening shall not be subject to the provisions of chapter two hundred and eighty-four of the acts of the year eighteen hundred and seventy-four.

Proviso.

May construct
additions to
southerly end
of bridge.

SECTION 2. The said corporation is further authorized to construct such additions to said bridge at the southerly end thereof, between said bridge and Craigie's bridge, as may be necessary to furnish a direct connection of its tracks with the freight yards of said corporation; subject to the approval of the harbor commissioners and to the general laws of the Commonwealth.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1878.

Chap. 44 AN ACT IN RELATION TO MAIN DRAINS AND COMMON SEWERS IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, &c., as follows:

Drains and sew-
ers to be the
property of the
town.

SECTION 1. The main drains and common sewers laid and constructed by the town of West Springfield shall be and remain the property of said town as if originally laid by the selectmen.

Damages caused
by laying
sewers.

SECTION 2. All persons or corporations who have suffered damage in their property by reason of the laying or making of said sewers and drains, shall, for the period of one year after the passage of this act, have the same rights and remedies relating thereto as if said laying and making had been done under chapter one hundred and

eleven of the acts of the year eighteen hundred and sixty-nine.

SECTION 3. Every person or corporation who shall, after the passage of this act, have a drain or pipe connecting with said main drains or common sewers, shall pay said town for the privilege such reasonable sum as shall be determined by the selectmen; and any person or corporation aggrieved by such determination may, at any time within six months after the same is made known to such person or corporation, apply to the county commissioners of the county of Hampden for a revision thereof. If the county commissioners, after due hearing, reduce the amount to be paid for said privilege, such reduction shall be allowed by the selectmen, and the costs of the application and hearing shall be paid by said town; otherwise said costs shall be paid by the applicant.

Privilege of using drains to be paid for.

SECTION 4. All sums due under the provisions of section three shall be a lien upon the land through which said drain or pipe is laid, for the same length of time, and may be collected in the same manner, as taxes upon real estate; or they may be sued for in an action of contract in the name of the town.

Sums due for use of drains to be a lien upon the land.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1878.

AN ACT TRANSFERRING TO THE CITY COUNCIL OF THE CITY OF BOSTON THE POWERS NOW VESTED IN THE BOARD OF ENGINEERS OF SAID CITY, RELATING TO EXPLOSIVE COMPOUNDS AND OTHER DANGEROUS SUBSTANCES.

Chap. 45

Be it enacted, &c., as follows:

SECTION 1. All powers and duties conferred by existing statutes upon the engineers or board of engineers of the fire department of the city of Boston, or upon any member of said board, are hereby transferred to the city council of said city; and said powers and duties may be exercised and carried into effect by said city council in such manner as it may from time to time prescribe, and through the agency of any persons, board or boards to whom it may from time to time delegate the same.

Powers conferred by statutes upon engineers of fire department of Boston, transferred to city council.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1878.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 46

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are ap-

Appropriations.

Appropriations. appropriated for the purposes specified, to be paid from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December in the year eighteen hundred and seventy-eight, to wit:—

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Printing and binding ordered by legislature.	For printing and binding, ordered by the senate or house of representatives or by the concurrent order of the two branches, a sum not exceeding twenty-five thousand dollars.
Senate stationery.	For stationery for the senate, purchased by the clerk thereof, a sum not exceeding nine hundred dollars.
Senate blanks.	For printing blanks and circulars, and the calendar of orders of the day, for the use of the senate, a sum not exceeding one thousand dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk thereof, a sum not exceeding one thousand two hundred dollars.
House blanks.	For printing blanks and circulars and the calendar of orders of the day, for the use of the house of representatives, a sum not exceeding one thousand five hundred dollars.
Stationery, &c., ordered by sergeant-at-arms.	For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding one thousand dollars.
Stationery, &c., for governor and council.	For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.
Contingent expenses of council.	For the contingent expenses of the executive council, a sum not exceeding one thousand five hundred dollars.
Expenses of executive department.	For such other expenses of the executive department as the governor may find necessary, a sum not exceeding five thousand dollars.

STATE-HOUSE EXPENSES.

State house — Fuel and lights.	For fuel and lights for the state house, a sum not exceeding four thousand dollars.
Furniture and repairs.	For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.
Contingent expenses of legislature.	For the contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding five thousand dollars.
Expenses of house in Pemberton Square.	For rent, taxes and other expenses connected with house number thirty-three Pemberton Square, a sum not exceeding eleven thousand dollars.

STATE PRINTING.

For printing the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding five thousand dollars.

Printing general laws.

For printing and binding the "blue-book" edition of the acts and resolves of the present year, with the governor's message and other matters, in the usual form, a sum not exceeding four thousand dollars.

Printing and binding "blue-book."

For the newspaper publication of the general laws and all information for the public, a sum not exceeding five hundred dollars.

Newspaper publication of general laws.

For printing the public series of documents for the present year, under direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the cities and towns, a sum not exceeding thirty thousand dollars.

Public series of documents.

For term reports, a sum not exceeding five thousand dollars.

Term reports.

For the publication and editing of the supplement to the General Statutes for the present year, a sum not exceeding one thousand two hundred dollars, viz.: for the publication, one thousand dollars, and two hundred dollars for editing the same.

Supplement to General Statutes.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding four thousand dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand dollars.

Incidental expenses — Secretary.

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars.

Treasurer.

For expenses of the tax commissioner, a sum not exceeding three thousand two hundred dollars.

Tax commissioner.

For expenses of the auditor's department, a sum not exceeding seven hundred dollars.

Auditor.

For expenses of the insurance commissioner's department, a sum not exceeding four thousand dollars.

Insurance commissioner.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Supreme judicial court.

For expenses of the attorney-general's department, a sum not exceeding one thousand seven hundred dollars; and for the expenses of civil actions, a sum not exceeding three hundred dollars.

Attorney-general.
Civil actions.

MILITARY.

Adjutant-general's department.	For expenses of the adjutant-general's department, a sum not exceeding three thousand dollars.
Compensation of militia.	For the compensation of officers and men of the volunteer militia, for military duty, a sum not exceeding sixty-six thousand dollars.
Transportation.	For the transportation of officers and men while on military duty, a sum not exceeding fourteen thousand dollars.
Quartermaster-general.	For expenses of the bureau of the quartermaster-general, a sum not exceeding five thousand dollars.
Supplies.	For quartermasters' supplies, a sum not exceeding six thousand dollars.
Rent of armories.	For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-two thousand dollars.
Military accounts.	For military accounts, in connection with the volunteer militia, not otherwise provided for, a sum not exceeding five thousand dollars.
Books of instruction.	For books of instruction for the use of the militia, a sum not exceeding five hundred dollars.
Surgeon-general.	For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.
Medical supplies.	For medical supplies for the use of the volunteer militia, a sum not exceeding five hundred dollars.
Re-imbursement for state aid.	For the re-imbursement of cities and towns for money paid on account of state aid to Massachusetts volunteers and their families, a sum not exceeding three hundred and fifty thousand dollars; the same to be payable on the first day of December of the present year.
State aid under special laws.	For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding three hundred dollars.
Bounties to soldiers.	For the payment of bounties remaining due Massachusetts volunteers, a sum not exceeding five hundred dollars.
Diplomas for soldiers and sailors.	For expenses of issuing diplomas to soldiers and sailors of the late war, a sum not exceeding one thousand dollars; and for expenses attending military elections, a sum not exceeding three hundred dollars.

AGRICULTURAL.

Bounties to societies.	For bounties to agricultural societies, a sum not exceeding seventeen thousand dollars.
Expenses of members of board.	For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand dollars.

For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Expenses of secretary.

For other incidental expenses of the board of agriculture, a sum not exceeding one hundred and fifty dollars.

Incidental expenses.

MISCELLANEOUS.

To the sheriffs of the different counties, for distributing proclamations, blanks, and making return of votes, a sum not exceeding five hundred dollars.

Sheriffs — distributing proclamations.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under direction of the trustees and librarian.

Books for state library.

For the compensation of experts or other agents, for rent of office and for contingent expenses of the railroad commissioners, a sum not exceeding two thousand two hundred dollars.

Railroad commissioners' contingent expenses.

For the compensation and expenses of the commissioners on inland fisheries, a sum not exceeding five thousand dollars.

Commissioners on fisheries.

For travelling and incidental expenses of the commissioners on savings banks, a sum not exceeding one thousand dollars.

Commissioners, savings banks.

For expenses of the state board of health, a sum not exceeding five thousand dollars.

State board of health.

For expenses of the commissioner of corporations, a sum not exceeding one thousand seven hundred and fifty dollars.

Commissioner of corporations.

For the compensation and expenses of the harbor commissioners, a sum not exceeding thirteen thousand dollars.

Harbor commissioners.

For expenses of the land commissioners, a sum not exceeding three thousand dollars.

Land commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT FOR THE PROTECTION OF THE PUBLIC AGAINST UNSAFE AND DANGEROUS BUILDINGS IN CITIES.

Chap. 47

Be it enacted &c., as follows:

SECTION 1. In any city where the city council shall have accepted this act, the superintendent of public buildings, or such other officer of said city as the mayor and aldermen may designate, shall be the inspector of buildings, whose duty it shall be, immediately on being informed by report or otherwise, that any building, part of a building, staging or other structure, or any thing attached to or connected therewith, in said city, is so unsafe as to endanger

Inspectors of buildings in cities.

To notify owners if buildings are unsafe.

life or limb, to inspect the same; and if it shall appear to him that such structure is thus dangerous, he shall forthwith notify in writing the owner, agent, or any party having an interest therein, to cause the same to be made safe and secure, or removed; and if it shall appear that said structure, from any cause, would be specially unsafe in case of fire, it shall be deemed to be dangerous within the meaning and subject to all the provisions of this act; and he may affix a notice of its dangerous character, in a conspicuous place, on the exterior walls thereof; and any person removing or defacing such notice without authority from him, shall be punished by fine not less than ten nor more than fifty dollars.

Securing or removal of buildings to be commenced by noon of the following day.

Proviso.

SECTION 2. The person or persons so notified shall be allowed until twelve o'clock noon of the day following the service of said notice, in which to commence the securing or removal of said structure; and he or they shall employ sufficient labor to secure or remove the same as expeditiously as can be done: *provided*, however, that in cases where the public safety requires immediate action, such inspector may, if the mayor and aldermen shall so order, enter upon the premises with such workmen and assistants as may be necessary, and cause said unsafe structure to be shored up, taken down, or otherwise secured, without delay, and a proper fence or boarding put up for the protection of passers-by.

Structure to be surveyed if owner fails to comply; and report to be served upon him.

SECTION 3. If the owner, agent, or any party interested in such unsafe structure, having been notified as aforesaid, shall refuse or neglect to comply with the requirements of said notice within the time specified, and such structure has not been secured or taken down as therein provided, a careful survey of the premises named in said notice shall be made by a board consisting of the city engineer, the chief engineer of the fire department of said city and one disinterested person to be appointed by said inspector; and a report of such survey shall be reduced to writing, and a copy thereof served on such owner, agent or any interested party.

Building to be taken down, &c. if report declares it to be unsafe.

Charges and costs.

SECTION 4. If the report of the survey made as aforesaid shall declare such structure to be thus unsafe and dangerous, said inspector shall, upon the continued refusal or neglect of the owner, agent or any interested person, cause such unsafe or dangerous structure to be taken down or otherwise made safe; and the costs and charges incurred shall constitute a lien upon the estate where the same is situated, to be enforced within the time and in

the manner provided for the collection of taxes on real estate.

SECTION 5. Any owner or interested party who shall, after being notified in writing as herein provided that such structure is thus unsafe, refuse or neglect to cause the same to be taken down, or otherwise made safe, shall forfeit and pay to said city, for every day's continuance thereof, not less than ten nor more than fifty dollars, to be recovered in an action of tort.

Penalty for neglect.

SECTION 6. Any owner or interested person aggrieved by any such order, may, within three days after the service thereof upon him, apply for a jury to the superior court if sitting in the county, or to any justice thereof in vacation. The court or justice shall issue a warrant for a jury to be impanelled by the sheriff within fourteen days from the date of the warrant, in the manner provided in chapter forty-three of the General Statutes relating to highways.

Party aggrieved may apply for a jury.

SECTION 7. The jury may affirm, annul or alter such order, and the sheriff shall return the verdict to the next term of the court for acceptance; and being accepted it shall take effect as an original order.

Jury may affirm or alter order.

SECTION 8. If the order is affirmed, costs shall be taxed against the applicant; if it is annulled, the applicant shall recover damages and costs against the city; if it is altered in part, the court may render such judgment as to costs as justice may require: but nothing contained in this and the two preceding sections shall prevent the city from recovering the forfeiture provided for in section five, from the date of the service of the original notice, unless the order is annulled by the jury.

Damages and costs.

SECTION 9. If any such dangerous or unsafe building or structure is in process of erection, alteration or repair, the supreme judicial court, or any justice thereof, in term time or vacation, may by injunction restrain any further progress of the work until all matters are determined as herein provided.

Erection of dangerous structure may be restrained by S. J. C.

SECTION 10. When any owner, or any person having an interest in said structure, resides out of the Commonwealth, any of the notices required under this act may be served by a notary public, whose certificate of service under his notarial seal, shall be sufficient evidence of said service.

Notice, upon owner out of the Commonwealth, may be served by a notary public.

SECTION 11. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 48 AN ACT RELATING TO SURRENDER BY BAIL OR SURETIES IN CERTAIN CASES.

Be it enacted, &c., as follows:

Surety on a bond under 1863, 127, may surrender his principal to keeper of jail.

To deliver to jailer a copy of bond.

SECTION 1. A surety upon any bond given under the provisions of chapter one hundred twenty-seven of the acts of the year eighteen hundred sixty-three, may surrender his principal to the keeper of the jail in the county in which the complaint is pending, or to the keeper of either jail in said county, if there be more than one, if the court in which the complaint is pending is not in session at the time of such surrender. The surety shall deliver to the jailer a copy of the bond, attested by the officer in whose custody it may be, which shall be a sufficient warrant to the jailer, although the surrender and commitment prove to be unlawful on the part of the surety. And such surrender shall have like effect with the surrender into court provided for by section three of said chapter, and like proceedings may be had thereafter.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 49 AN ACT TO PERMIT THE CONTINUANCE BY JUSTICES OF THE PEACE, OF CIVIL PROCESS BEFORE TRIAL JUSTICES.

Be it enacted, &c., as follows:

Continuance, by justices of the peace, of civil process before trial justices.

SECTION 1. If a trial justice fails to attend at the time and place to which a civil process is returnable or continued before him, any justice of the peace for the same county may attend and continue the process not exceeding thirty days without costs and saving the rights of all parties; and he shall make a certificate thereof, which shall be filed with the papers in the case, and entered upon the record by the trial justice before whom the process was returnable.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 50 AN ACT CONCERNING MUTUAL MARINE AND MUTUAL FIRE AND MARINE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Permanent fund when it exceeds that amount, may be reduced to \$500,000.

SECTION 1. Any mutual marine or mutual fire and marine insurance company organized under the laws of this Commonwealth having a permanent fund exceeding five hundred thousand dollars and made up in part of cash paid in, and in part of promissory notes, may, when the cash paid in and invested according to law amounts to five hundred thousand dollars or upwards, reduce such

permanent fund to the amount of cash paid in, by a vote of a majority of the directors of such company present and voting at a meeting called for the purpose.

SECTION 2. Whenever any mutual marine or mutual fire and marine insurance company shall reduce its permanent fund in pursuance of the preceding section of this act, a copy of the vote of the directors of such company providing for such reduction, approved by the insurance commissioner, shall be filed with the secretary of the Commonwealth, who shall thereupon issue to such company a certificate setting forth the reduction of said permanent fund, and the amount of the permanent fund existing after such reduction; and thereupon all promissory notes held by such company as part of said permanent fund shall be surrendered to the makers thereof or their legal representatives.

When fund is reduced, copy of vote to be filed with the secretary of the Commonwealth.

SECTION 3. The fee to be paid to the secretary for filing the copy of the vote, and issuing the certificate, as provided in the preceding section shall be ten dollars.

Fee of ten dollars to be paid.

Approved March 13, 1878.

AN ACT TO PROTECT WITNESSES TESTIFYING BEFORE THE LEGISLATURE, OR BEFORE LEGISLATIVE COMMITTEES.

Chap. 51

Be it enacted, &c., as follows:

SECTION 1. The testimony of any witness examined before either branch of the legislature, or before any legislative committee, upon any subject referred to such a committee, or any statement made or paper produced by him on such an examination, shall not be used as evidence against such witness in any criminal proceeding or penal action in any court of justice: *provided, however*, that no official paper or record produced by such witness on such examination shall be held or taken to be included within the privilege of said evidence, so as to protect such witness in any such criminal proceeding or penal action; and that nothing in this act shall be construed to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

Testimony given before the legislature, not to be used against witness in any criminal proceeding.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT RELATING TO THE SUPERVISION OF COÖPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Chap. 52

Be it enacted, &c., as follows:

SECTION 1. The duties devolving upon the insurance commissioner in connection with coöperative saving fund and loan associations, under the provisions of sections ten

Coöperative saving fund and loan associations to be under su-

pervision of the
bank commis-
sioners.

and eleven of chapter fifty-nine of the General Statutes, shall hereafter be performed by the commissioners of savings banks; and said commissioners shall have the same powers and be subject to the same duties and requirements as are conferred and imposed upon the insurance commissioner by said sections.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 53

AN ACT TO CONFER CRIMINAL JURISDICTION UPON CERTAIN MUNICIPAL COURTS IN BOSTON, OVER THE ISLANDS AND WATERS OF BOSTON HARBOR.

Be it enacted, &c., as follows:

Concurrent ju-
risdiction of mu-
nicipal courts
over islands and
waters of Boston
Harbor.

SECTION 1. The municipal court of the city of Boston, the municipal court of the East Boston district, the municipal court of the Charlestown district and the municipal court of the South Boston district, shall have and exercise, concurrently with each other, the same criminal jurisdiction that said courts now have within their respective districts, over all islands and waters which are now within the criminal jurisdiction of the superior court for the county of Suffolk; but the word "islands" herein shall not be taken to include East Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 54

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

May borrow
money for erec-
tion of addition
to court-house.

SECTION 1. The county commissioners of Worcester County are hereby authorized to borrow on the credit of said county, the sum of fifty thousand dollars, to be expended in erecting an addition to the court house in the city of Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 55

AN ACT AUTHORIZING THE EASTERN RAILROAD COMPANY TO MAKE LEASES, OR OTHER RUNNING CONTRACTS, WITH RAILROADS OUT OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Eastern railroad
may make new
leases of rail-
roads out of the
state, at present
leased or oper-
ated by it.

SECTION 1. The Eastern Railroad Company is hereby authorized to make new leases of railroads out of the Commonwealth, at present leased or operated by it; to renew or modify any existing leases of said railroads; or to make such other permanent running contracts or arrangements with said railroads as it may deem advisable:

provided, that such leases, contracts or arrangements shall not be valid unless agreed to by the directors, and approved by a majority in interest of the stockholders of said company at a meeting called for that purpose, and by the trustees appointed under chapter two hundred and thirty-six of the acts of the year eighteen hundred and seventy-six. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT TO REVIVE THE BUILDERS' LOAN AND FUND CORPORATION FOR CERTAIN PURPOSES. Chap. 56

Be it enacted, &c., as follows:

SECTION 1. The corporation heretofore known as the Builders' Loan and Fund Corporation, and formerly located in Boston, is hereby revived and continued for the purpose of enabling the secretary and treasurer of said corporation to, and he is hereby authorized to, discharge and cancel a certain mortgage deed given by John C. Marston, late of Cambridge, now deceased, to said corporation, dated May seventh eighteen hundred and fifty-five, and recorded with Middlesex county deeds, south district, book seven hundred and thirty, page five hundred and forty-four, and to remise, release and quitclaim, in the name and on behalf of said corporation, to the heirs of said John C. Marston, the real estate described in said mortgage deed. Said corporation is revived for no other purpose whatever. Corporation revived for the purpose of discharging a mortgage.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT RELATING TO THE WATER LOAN SINKING FUNDS IN THE TOWNS OF MALDEN, MEDFORD AND MELROSE. Chap. 57

Be it enacted, &c., as follows:

SECTION 1. Whenever the towns of Malden, Medford and Melrose, or either of them, shall have made any appropriation for, or otherwise have established, a water loan sinking fund, as authorized by the provisions of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, such town or towns, if it has not already been done, shall elect a board of commissioners of the sinking funds according to the provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, and the commissioners so chosen, shall have the custody, management and control of the sinking fund so established under said first named act, and subject to Commissioners of water-loan sinking fund to be elected.

Powers and duties.

the limitations as to the character of investments in said first named act mentioned, and to the further provision that the investment and accounts of said water loan sinking fund shall be made and kept separate from the other sinking funds of said towns.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 58 AN ACT TO REVIVE THE CHARTER OF THE ATTLEBOROUGH BANK FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

Corporation revived for the purpose of executing a deed.

SECTION 1. The existence of the corporation heretofore known as the president, directors and company of the Attleborough Bank, located in the town of Attleborough, is hereby revived and continued for the purpose of enabling said corporation, by a majority of the surviving directors of said bank at the time when the same became an association for carrying on the business of banking under the laws of the United States, to execute a good and sufficient deed to the Attleborough National Bank, of any real estate or interests therein of said Attleborough Bank, and for no other purpose whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 59 AN ACT TO ENABLE THE AMERICAN MOLDED COLLAR COMPANY TO REDUCE THE PAR VALUE OF ITS SHARES OF CAPITAL STOCK.

Be it enacted, &c., as follows:

May reduce par value of shares.

SECTION 1. The American Molded Collar Company may reduce the par value of its shares from one hundred dollars to fifty dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

Chap. 60 AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO BORROW MONEY ON ACCOUNT OF THE SUNDERLAND BRIDGE.

Be it enacted, &c., as follows:

May borrow money on account of Sunderland Bridge.

SECTION 1. The county commissioners of the county of Franklin may borrow on the credit of said county such sums, not exceeding in all twelve thousand dollars, in addition to the amount now authorized by law, as may be necessary for the purpose of paying such costs and expenses as said county may lawfully be required to pay on account of the Sunderland bridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT TO AMEND SECTION SIX OF CHAPTER TWO HUNDRED AND NINETY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, TO INCORPORATE THE TOWN OF MASHPEE.

Chap. 61

Be it enacted, &c., as follows :

SECTION 1. The sixth section of the two hundred and ninety-third chapter of the acts of the year eighteen hundred and seventy shall be so construed as to include the proper charges for the services of the commissioners provided for in said act, to be approved and allowed by the superior court, or some justice thereof, as a part of "the expenses of said commissioners," which shall be paid out of the treasury of the Commonwealth.

Construction of
1870, 293, §6.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1878.

AN ACT RELATING TO THE REMOVAL OF THE INMATES OF THE STATE PRISON FROM BOSTON TO CONCORD.

Chap. 62

Be it enacted, &c., as follows :

SECTION 1. At any time after the establishment of the state prison at Concord in the manner provided by law, any person lawfully confined under sentence of imprisonment in the state prison at Boston may be removed to and confined in said prison at Concord according to the terms and conditions of his sentence to said prison at Boston, or of any process lawfully issued in pursuance thereof; but nothing herein shall impair the validity of any sentence to said prison at Boston, or abridge the authority of the keeper thereof to detain any person lawfully sentenced to imprisonment therein.

Removal of inmates of state prison from Boston to Concord.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO LAY AND MAINTAIN A MAIN DRAIN IN THE TOWN OF WATERTOWN.

Chap. 63

Be it enacted, &c., as follows :

SECTION 1. The city of Newton is hereby authorized, by its board of aldermen or by a board of three commissioners to be chosen by the city council, to lay and construct a main or connecting drain, or common sewer, which shall have a diameter of not less than seven feet, through that part of the town of Watertown which lies on the southerly side of Charles River, to be connected with and form a part of the main drain, or common sewer, authorized to be constructed by said city, through a portion of the city of Boston, by chapter one hundred

Newton may construct a common sewer through part of Watertown.

and forty-four of the acts of the year eighteen hundred and seventy-seven. Such main or connecting drain, or common sewer, shall be the property, and shall be under the exclusive control, of the city of Newton, which shall keep and maintain the same in good order and condition.

May take land and buildings.

SECTION 2. The city of Newton may take such land and buildings as may be necessary to accomplish the purposes of this act, and all damages sustained thereby shall be paid by the city of Newton; and the same may be ascertained and recovered, in the manner now provided by law, for the assessment of damages in the laying out of highways.

Assessment of damages.

May construct sewer over or under any water-course.

SECTION 3. The city of Newton may construct such drain or sewer over or under any water-course, highway, townway or other way, may change the course of any brook, may enter upon and dig up the same, for the purpose of constructing and maintaining such drain or sewer, and may do all such other acts as may be necessary to accomplish the work hereby authorized; but said city shall not unnecessarily interrupt public travel in the doing of said work; and the supreme judicial court in any county, or any justice thereof, in term time or in vacation, upon the complaint of the selectmen of Watertown, or of any corporation whose rights are, or are claimed to be, invaded, may direct the method of performing such work as may affect public travel, public rights or public health, and enforce such directions and orders by injunction or other suitable process.

Method of doing the work may be directed by the S. J. C.

Streets to be restored to good order and condition.

SECTION 4. Whenever the city of Newton shall dig up any highway, street or way, it shall restore the same to as good order and condition as the same was in when such digging was commenced, without unnecessary delay. And the city of Newton shall at all times indemnify and save harmless the town of Watertown, against, of and from, all damages which may be sustained by it, by reason of any defect or want of repair in any street or way caused by the construction, maintenance or repair of said drain or sewer.

Powers of city under 1877, 144, may be exercised by aldermen.

SECTION 5. The powers which the city of Newton is authorized to exercise through its mayor and aldermen, by chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-seven, may be exercised by the board of aldermen of said city.

No assessment to be laid on

SECTION 6. The provisions of all general laws shall apply to said drain or sewer, so far as applicable; but no

assessment shall be laid on any property without the territory of said city. property out of the city.

SECTION 7. The city of Newton shall be liable to pay all damages that shall be sustained by the town of Watertown, or any person, persons or corporation, in his, their, or its property, by the taking of or injury to any real estate, water or water-rights, or by the interference with or injury to the use of any water-course to which the said town, person, persons or corporation, is legally entitled at the time of such taking; and in regard to such taking, injury or interference, and the ascertainment and payment of all such damages, the city of Newton, the town of Watertown, and all persons or corporations claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and regulations, which are provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year eighteen hundred and fifty. Liability for damages.

SECTION 8. The town of Watertown and all persons and corporations are hereby prohibited from discharging any sewage, drainage, or pollution of any kind, into said main sewer, or into any stream or water-course diverted into said main sewer, without the permission of the city of Newton, except as is hereinafter provided. Said town of Watertown may enter a drain or sewer into such main sewer, upon giving six months' notice to said city of Newton of its desire so to do, if said city consents thereto, upon payment of a reasonable compensation to said city for the use of the same: *provided*, that the privileges granted by this act to the town of Watertown shall be and are hereby expressly restricted to that part of the territory thereof which lies south of Charles River. Watertown may enter a drain into the common sewer, upon six months' notice, and paying for use.

If the city of Newton shall refuse its consent to such application, by or in behalf of the town of Watertown, or if the said city and the said town shall fail to agree upon the compensation to be paid by said town to said city for the use of said main sewer as aforesaid, either party may petition the supreme judicial court, for the appointment of a commission of three suitable persons, who shall hear the parties, and determine whether or not the town of Watertown shall be permitted to enter such sewer, and if so, upon what terms and conditions, and what compensation shall be paid to the city of Newton. Proviso.

If parties fail to agree, commissioners to be appointed.

for such privilege. Such compensation may consist of a sum in gross, or of a yearly payment, to be made to said city, as said commissioners shall decide; and the report of said commissioners or of a majority of them, being subject to a revision of and being accepted by the supreme judicial court, shall be final.

The entry of any drain or sewer into said main sewer shall be made under the direction of the city of Newton, except as is herein provided, and subject to such reasonable rules and regulations as may be made by the city council thereof.

Penalty for unlawful use of sewer.

If the town of Watertown, or any person, persons or corporation, shall, contrary to the provisions of this act, enter any drain or sewer, or conduct any sewage or drainage matter, or pollution of any kind, into any drain or sewer constructed by the city of Newton by virtue of this act, or into any water-course, channel or stream, natural or artificial, connected therewith, or shall wantonly or maliciously injure, or destroy, or divert, or obstruct, any such drain or sewer, or injure or destroy any machinery or property held, owned or used by the said city, under the authority and for the purposes of this act, such town, person, persons or corporation, shall forfeit and pay to the said city of Newton three times the amount of damages that shall be assessed therefor, to be recovered in any proper action.

Unlawful use of sewer may be restrained by S. J. C.

It shall be lawful for the supreme judicial court, upon application of the city of Newton, to grant an injunction against any unlawful use of or interference by any one with any sewers or drains constructed by the city of Newton under this act, or against the unlawful entry of any drain or sewer, directly or indirectly, into the same, or into any water-course connected therewith; and damages therefor may be assessed by said court, as incident to such process.

SECTION 9. This act shall take effect upon its passage.

Approved March 14, 1878.

Chap. 64

AN ACT TO EXTEND THE TIME DURING WHICH THE CITY OF WORCESTER IS AUTHORIZED TO LAY OUT A PUBLIC PARK, AND TO ESTABLISH AND MAINTAIN A RESERVOIR.

Be it enacted, &c., as follows:

Time for taking land extended.

SECTION 1. The time for taking and holding land, in accordance with the provisions of chapter one hundred and ninety-six of the acts of the year eighteen hundred

and seventy-three, is extended to the fifteenth day of April in the year eighteen hundred and eighty.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES IN RELATION TO THE INSPECTION AND SURVEY OF LUMBER, ORNAMENTAL WOOD AND SHIP TIMBER.

Chap. 65

Be it enacted, &c., as follows:

SECTION 1. Section one hundred and twenty-seven of chapter forty-nine of the General Statutes is hereby amended, by striking out in the third line the word "places," and inserting instead thereof the word "district."

Inspection of
lumber,
G. S. 49, § 127.

SECTION 2. Section one hundred and twenty-eight of said chapter is hereby amended by striking out in the fifth and sixth lines the words "except lumber manufactured in this state which shall also be surveyed," and adding at the end of the section, the following words:—and it shall be incumbent upon him to enforce all the provisions of this act.

Amendment to
G. S. 49, § 128.

SECTION 3. Section one hundred and forty-one of said chapter is hereby amended by inserting after the word "purchaser," in the second line, the words, "one-half of which sum shall be allowed and paid said purchaser by the seller."

Amendment to
G. S. 49, § 141.

SECTION 4. Section one hundred and forty-two of said chapter is hereby amended to read as follows, to wit:—

Amendment to
G. S. 49, § 142.

If a surveyor-general or any surveyor is guilty of, or connives at, any fraud or deceit in the surveying, marking or numbering the contents or quality of any kind of wood or lumber, or if a surveyor when requested, by the owner of or a dealer in lumber, to survey the same, refuses without good reason, to perform the duty, he shall forfeit for each offence a sum not less than fifty nor more than two hundred dollars.

Penalty for
fraud in survey-
ing.

SECTION 5. If a seller or purchaser of lumber by intimidation or otherwise, attempts to induce any surveyor to make a false survey, he shall forfeit for each offence a sum not less than fifty nor more than two hundred dollars.

Penalty for at-
tempting to in-
duce surveyor to
make a false
survey.

SECTION 6. Section one hundred and forty-three of said chapter forty-nine and all acts or parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 7. Section one hundred and twenty-six of chapter forty-nine of the General Statutes is hereby

Amendment to
G. S. 49, § 126.

Amendment to
G. S. 49, § 126.

amended by striking out the word "Quincy," and by inserting after the word "Cambridge," the word "Somerville."

SECTION 8. This act shall take effect upon its passage.

Approved March 14, 1878.

Chap. 66 AN ACT TO AUTHORIZE THE COLLECTION OF THE PRICE OF ORNAMENTAL WOOD, TIMBER AND LUMBER, SOLD BY UNSEALED MEASURE OR MEASURED BY AN UNSWORN MEASURER.

Be it enacted, &c., as follows:

Price of wood,
sold by unsealed
measure, &c.,
maybe collected.

SECTION 1. The provisions of chapter one hundred and fifty-three of the acts of the year eighteen hundred and seventy-five, shall apply to and include ornamental wood, ship timber and all kinds of lumber.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

Chap. 67 AN ACT TO AMEND SECTION TWO OF CHAPTER ONE HUNDRED AND THIRTY-FIVE OF THE GENERAL STATUTES RELATING TO THE RECOVERY OF DOWER.

Be it enacted, &c., as follows:

Action may be
commenced
without demand
when person
seized of free-
hold is out of
state, &c.

Whenever a woman claims dower in real estate, and a person seized of the freehold is absent from the Commonwealth, or unknown to such claimant, the demand required by section two of chapter one hundred and thirty-five of the General Statutes need not be made, but an action may be commenced and prosecuted with like effect as if dower had been previously demanded.

Approved March 14, 1878.

Chap. 68 AN ACT IN RELATION TO SIGNS AT RAILROAD CROSSINGS.

Be it enacted, &c., as follows:

Warning-boards
at railroad
crossings.

SECTION 1. A railroad corporation may substitute at any crossing warning-boards of the description specified in section one hundred and twenty-four of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, in place of the boards, well supported by posts, or otherwise, provided for in said section.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1878.

Chap. 69 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO ESTABLISH GRADES FOR DRAINAGE AND SEWERAGE IN SAID CITY.

Be it enacted, &c., as follows:

May establish
grades for
drainage and
sewerage.

SECTION 1. The board of aldermen of the city of Newton may from time to time establish grades for drain-

age and sewerage in any designated territory within said city, and after a grade has been so established, no person shall construct in such territory any cellar or basement cellar of any building below such established grade, or use or occupy any cellar or basement cellar so constructed: *provided*, that said board may, by license, subject to revocation at any time by them, authorize cellars to be constructed in buildings used exclusively for storage or business purposes, so much below said grade as they shall designate in said license.

Proviso.

SECTION 2. Said board, whenever they see cause, may change any grade already established; but such change shall not affect the right to maintain and use any cellar or basement previously constructed.

May change grades already established.

SECTION 3. If any person constructs or attempts to construct or use any cellar or basement cellar, in violation of the provisions of this act, said board may order the owner or occupant of such cellar or basement cellar, so to alter and construct the same, as to conform to the requirements hereof; and if such owner or occupant fails to comply with such order within ten days after service thereof, as is hereinafter provided, said board may cause the required alterations to be made therein, the expense whereof shall constitute a lien upon the land wherein such cellar or basement cellar shall be constructed, and upon the building or buildings thereon erected, and may be collected in the manner provided by law for the collection of taxes upon real estate. The city treasurer, in behalf of said city, may purchase such land, or such land and buildings, at any sale thereof for the enforcement of such lien.

Cellars to be constructed in accordance with provisions of this act.

SECTION 4. All orders under the preceding section shall be made in writing, and served upon the owners or occupants or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health; except that the advertisement provided for in said section shall be made in one or more public newspapers, in such manner and for such length of time as said board of aldermen may direct; and the supreme judicial court or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from using or constructing any cellar or basement cellar in violation of the provisions of this act, and may enforce such provisions.

Orders to be in writing, and may be enforced by S. J. C.

SECTION 5. This act shall take effect upon its passage.

Approved March 15, 1878.

Chap. 70 AN ACT CONCERNING THE ELECTION OF MODERATOR IN THE TOWN OF CHATHAM.

Be it enacted, &c., as follows :

Election of moderator confirmed.

SECTION 1. The election of moderator heretofore made at the town meetings in the town of Chatham, so far as the same may appear illegal for the reason that the checklist was not used in said elections, is hereby ratified and confirmed and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1878.

Chap. 71 AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES IN RELATION TO INSPECTION AND SALE OF LIME AND LIME CASKS.

Be it enacted, &c., as follows :

Inspection of lime, imported from the state of Maine.

SECTION 1. Section one hundred and twenty-two of chapter forty-nine of the General Statutes is hereby amended, so that it shall read as follows, to wit:— When an inspection is demanded of lime manufactured in and imported from the state of Maine, the inspector shall require that such lime be in casks manufactured from sound and well seasoned lumber with staves and headings well fixed on the inside, with at least eight good and strong hoops on each; all of which hoops shall be of oak, ash, beech, birch, maple, cherry or elm wood, well driven and secured with nails; the staves of said casks to be made of sawed or rift timber, not less than thirty inches in length, and half an inch thick on the thinnest edge; each of the heads to be not less than three-fourths of an inch thick, and well crozed in; each hoop to be not less than one inch wide in the narrowest part, and each cask to be not less than twenty-six inches in length between the heads, sixteen inches in width between the chimes, and eighteen inches in the clear on the inside at the bilge, and made in a workmanlike manner; and the same rules, regulations, restrictions and liabilities shall apply to lime imported from the state of Maine as are provided respecting lime manufactured in this state.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1878.

Chap. 72 AN ACT RELATING TO THE VENUE OF CERTAIN ACTIONS IN POLICE, DISTRICT AND MUNICIPAL COURTS.

Be it enacted, &c., as follows :

Venue of certain actions in

SECTION 1. All actions before police, district or municipal courts, wherein the plaintiff, or all the plaintiffs,

if there be more than one, live without the Commonwealth, shall be brought in the district where one or more of the defendants, or in trustee process one or more of the trustees, lives or has his usual place of business: *provided, however*, that nothing herein shall affect or interfere with the provisions of chapter one hundred eighty-seven of the acts of the year eighteen hundred and seventy-seven.

Police, district and municipal courts.

SECTION 2. This act shall take effect upon its passage.
Approved March 20, 1878.

AN ACT FOR THE BETTER PROTECTION OF DEPOSITORS IN SAVINGS BANKS.

Chap. 73

Be it enacted, &c., as follows:

SECTION 1. Whenever, in the judgment of the board of commissioners of savings banks, the security and welfare of the depositors in any savings bank in this Commonwealth shall require a limitation or regulation of payments to its depositors, said board may, by an order in writing directed to such bank, limit and regulate such payments in time and amount as the interests of all the depositors may require. Such order shall fully express the terms of said limitation or regulation; and it may be changed or wholly revoked whenever in the judgment of said commissioners the welfare of the depositors in such bank shall so require.

Payments to depositors may be regulated and limited by commissioners.

SECTION 2. Any person aggrieved by such order may, within thirty days after service thereof, appeal therefrom to the supreme judicial court. The court shall hear and determine the rights of the parties under such order, and may alter, affirm or annul the same, as equity may require. Upon the entry of such appeal the court may order such notice to all other persons interested as it may deem sufficient; and all persons so interested may appear and become parties to the appeal; and the decree thereon shall be final and binding upon all persons who appear or might have appeared and become parties to the proceeding. During the pendency of the appeal the order aforesaid shall remain in force.

Person aggrieved may appeal to S. J. C.
Court to hear and determine the rights of the parties.

SECTION 3. This act shall take effect upon its passage, and shall continue in force three years.

To be in force three years.

Approved March 21, 1878.

AN ACT RELATING TO COMPENSATION FOR TIDE WATER DISPLACED.

Chap. 74

Be it enacted, &c., as follows:

SECTION 1. The amount of tide water displaced by

Amount of tide

water displaced to be ascertained by the commissioners.

Compensation to be made by parties causing displacement.

Money to be paid into the state treasury.

Income of compensation funds to be used for improvement of harbors.

Repeal.
1866, 148, § 4.

any structure in tide water below high water mark, or by any filling of flats hereafter authorized, shall be ascertained by the harbor commissioners; and they shall require the parties causing such displacement to make compensation therefor, either by excavating in some part of the same harbor where such displacement occurs, including tide water channels between high and low water marks, to such an extent as to create a basin for as much tide water as shall be displaced by such structure or filling, and the same shall be done under the direction of said commissioners, or by paying, in lieu of such excavation to restore the displaced tide water, such sum as shall be assessed by said commissioners, not exceeding thirty-seven and one-half cents per cubic yard for the tide water so displaced, or by improving the harbor in any other mode to the satisfaction of said commissioners; and all money thus paid shall be paid into the treasury of the Commonwealth, and be reserved as a compensation fund for the harbor from which the same is collected.

SECTION 2. The annual income from said compensation funds and the annual income from the compensation fund created under chapter one hundred and forty-nine of the acts of eighteen hundred and sixty-six, may be used and expended under the direction of the harbor commissioners for the improvement of the several harbors to which said funds belong.

SECTION 3. So much of section four of chapter one hundred and forty-nine of the acts of eighteen hundred and sixty-six as may be inconsistent with the terms of this act shall not apply to structures or filling hereafter authorized.

Approved March 21, 1878.

Chap. 75 AN ACT CONCERNING THE RELOCATION OF STREETS AND WAYS
IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Re-location of streets and ways in Boston.

SECTION 1. Whenever the board of street commissioners of the city of Boston deem it necessary to locate anew a street or way in said city, either for the purpose of establishing the boundary lines of such street or way, erecting monuments thereon, or of making alterations in the course or width thereof, they may so locate such street or way by giving notice, and proceeding in the manner prescribed by law for laying out streets or ways in said city.

Assessment of damages.

SECTION 2. Any person sustaining damage in his property by the location of a street or way, as provided in the preceding section, shall have his damages assessed and

paid in accordance with the provisions of law in respect to laying out, altering and discontinuing streets and ways in the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1878.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-SIX OF
THE GENERAL STATUTES, RELATING TO OFFENCES AGAINST THE
PUBLIC HEALTH.

Chap. 76

Be it enacted, &c., as follows:

Section three of chapter one hundred and sixty-six of the General Statutes is hereby amended by inserting after the word "health," in the third line, the words, "or knowingly barter, gives away, sells or has in possession with intent to sell, any substance intended for food which has been adulterated with any substance injurious to health."

Penalty for selling adulterated food.

Approved March 23, 1878.

AN ACT EXTENDING THE POWERS OF ASSESSORS OF TAXES.

Chap. 77

Be it enacted, &c., as follows:

SECTION 1. When the collector of taxes of any city or town in this Commonwealth shall become satisfied that any poll tax, or tax upon personal property, or any portion of said tax, which has been committed to him or to any of his predecessors in office, for collection, cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability to pay of the person or persons to whom such tax has been assessed, he shall notify the assessors of taxes of the said city or town thereof in writing, stating the reason why such tax cannot be collected and verifying the same by oath. It shall then be lawful for the assessors of such city or town, after due inquiry into the circumstances, to make abatement of such tax or any part thereof. Upon such abatement being made, the said assessors shall certify the same in writing to the collector of taxes; and said certificate shall discharge the collector from further obligation to collect the tax so abated. But no poll tax shall be abated under the provisions of this act, within two years from the time of its assessment.

If poll tax cannot be collected, assessors to be notified by collector of the reason thereof.

Tax may be abated.

Poll tax not to be abated within two years of assessment.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1878.

AN ACT CONCERNING SHELL FISH ON THE SHORES AND FLATS
OF THOMPSON'S ISLAND.

Chap. 78

Be it enacted, &c., as follows:

SECTION 1. Whoever takes any shell fish from the

Shell fish not to

be taken from
Thompson's Is-
land without
permission.

shores or flats of Thompson's Island in Boston Harbor without the permit of the managers of the Boston Asylum and Farm School for Indigent Boys, or the chief of the police of the city of Boston, shall for every offence pay a fine of not less than five dollars or more than ten dollars, and costs of prosecution; said fine to be recovered by complaint before the municipal court of the city of Boston.

Offender may be
arrested without
a warrant.

SECTION 2. Any constable or police officer of the city of Boston may without a warrant arrest any person whom he finds in the act of taking shell fish in violation of the provisions of the preceding section of this act, or in the act of carrying away shell fish so taken, and detain him in some place of safe keeping until a warrant can be procured against such person upon a complaint for said offence: *provided*, that such detention shall not exceed twenty-four hours.

Approved March 23, 1878.

Chap. 79 AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ADDITIONAL MASTER IN CHANCERY FOR THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

Additional mas-
ter in chancery
for Essex Coun-
ty.

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional master in chancery in and for the county of Essex, and hereafter the number of masters in chancery for said county shall be eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1878.

Chap. 80 AN ACT TO SUPPLY THE TOWN OF WAYLAND WITH PURE WATER.

Be it enacted, &c., as follows:

Wayland to be
supplied with
water.

SECTION 1. The town of Wayland is authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use and relocate or discontinue the same; and to fix and collect rents for the use of said water.

May take and
hold the land
and waters.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the water, or so much thereof as may be necessary, with the water-rights connected therewith, of any springs, natural ponds, brooks or other water-sources, within its own limits; and may also take and hold all necessary lands for raising, holding and preserving such water, and conveying the same to any and all parts of said town; and may erect thereon proper dams, buildings, fixtures

and other structures; and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works: and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.

To file in the registry of deeds a description of the land taken.

SECTION 3. The said town of Wayland shall be liable to pay all damages sustained by any persons or corporations in their property, by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person, persons, or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, he or they may have them assessed by the county commissioners for the county of Middlesex, by making a written application therefor within two years after the taking of such land or water-sources or rights, or other injury done as aforesaid under this act, but not thereafter: and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.

Liability for damages.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Wayland Water Loan," to an amount not exceeding twenty-five thousand

"Wayland water loan" not to exceed \$25,000.

dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper. And said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues; and shall establish at the time of contracting said debt, a sinking fund, and contribute thereto by taxation from year to year, an amount not exceeding in any one year the sum of eight hundred dollars, excepting the year in which said securities mature; and said sinking fund shall remain inviolate and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Sinking fund to be established.

Penalty for diverting water or rendering it impure.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid, may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Construction of works under persons to be chosen by town.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the said water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to the instructions of the town.

Water commissioners to be elected.

At said meeting there shall also be elected by ballot, a board of three water commissioners; one to serve until the next annual meeting of the town thereafter, in March or April; one for a term one year longer; and the third for a term two years longer than the first: after which first election, one member of said board as the term expires shall be elected at the annual meeting, to serve for three

years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may from time to time impose by its vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

SECTION 7. The town of Wayland is hereby prohibited from discharging its drains or sewers already constructed or which may be hereafter constructed, into the water supply of the city of Boston, or brooks flowing into the same: *provided*, that this prohibition shall only apply to the discharge of polluted matter other than naturally flows from surface drainage.

Not to discharge drains or sewers into the water supply of Boston.

SECTION 8. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within two years from the date of its passage.

Subject to acceptance by a two-thirds vote of the legal voters.

Approved March 23, 1878.

AN ACT TO DEFINE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HANOVER AND ROCKLAND.

Chap. 81

Be it enacted, &c., as follows:

SECTION 1. The boundary line between the towns of Hanover and Rockland is hereby defined and established as follows, to wit:—Beginning at a monument in the north line of the town of Hanson twelve hundred and fifty meters easterly from the monument at the south-west corner of Rockland and running thence in a straight line north, eight degrees and twenty-seven minutes east, thirty-three hundred and forty meters, to the old stone monument at the south-west corner of the “Drinkwater shares,” near the Otis Ellis place; thence running north, one degree and fifty minutes west, thirty-eight hundred and sixty-three meters, to a monument in range with the northerly line between the towns of Hanover and South Scituate; thence running in said range south, eighty-eight degrees and six minutes east, thirteen hundred and twenty-five meters, to the old monument in said line at the corner of South Scituate and Rockland.

Boundary line defined between Hanover and Rockland.

All the territory in said towns lying easterly and south-

erly from the above described lines shall be and remain in the town of Hanover, and all the territory lying westerly and northerly of said lines shall be and remain in the town of Rockland.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1878.

Chap. 82 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO RAISE AND APPROPRIATE MONEY FOR A PORTRAIT OF BENJAMIN ABBOT AND FOR COMMEMORATIVE TABLETS IN ABBOT HALL.

Be it enacted, &c., as follows :

May raise money for portrait of Benjamin Abbot.

SECTION 1. The town of Marblehead is authorized to raise by taxation and appropriate such sum of money as may be necessary, not exceeding one thousand dollars, for the purpose of obtaining a portrait of Benjamin Abbot, and also a commemorative tablet, to be placed in Abbot Hall in said town.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1878.

Chap. 83 AN ACT TO AUTHORIZE THE TRUSTEES OF THE GENERAL ASSEMBLY OF THE UNITED PRESBYTERIAN CHURCH OF NORTH AMERICA TO HOLD REAL ESTATE IN MASSACHUSETTS.

Be it enacted, &c., as follows :

May hold real estate not exceeding \$300,000

SECTION 1. The trustees of the General Assembly of the United Presbyterian Church of North America, a corporation established by law in the Commonwealth of Pennsylvania, is hereby authorized and empowered to possess and hold real estate in the Commonwealth of Massachusetts, to an amount not exceeding the sum of three hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1878.

Chap. 84 AN ACT TO ENABLE STOCKHOLDERS IN RAILROAD CORPORATIONS TO SUBSCRIBE FOR ADDITIONAL STOCK UPON AN INCREASE THEREOF.

Be it enacted, &c., as follows :

Stockholders in railroad corporations may subscribe for additional stock upon an increase thereof.
1874, 372, § 46.

SECTION 1. Any railroad corporation authorized to increase its capital stock or to issue additional shares of stock for any purpose, instead of selling the same in the manner prescribed in section forty-six of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, may, if its board of directors so decide, cause written notice of such intended increase of stock to be given to each stockholder of the corporation, who was such at the date of such vote to increase, stating

the amount of such increase, and the proportion thereof in shares or fractions of shares which such stockholder would be entitled to receive on a division of the same, and fixing a time which shall not be less than thirty days from the date of said notice, within which such stockholder may subscribe for such additional stock; and each stockholder may within the time specified, subscribe for his proportion as aforesaid of such additional stock at par; the same to be paid for in cash on the issue of a certificate therefor.

SECTION 2. If after the expiration of the notice provided for in the preceding section, any shares of such additional stock remain unsubscribed for by the stockholders entitled to take them, the directors shall sell the remaining shares in the manner provided in section forty-six of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four.

If any stock is not subscribed for, the remainder may be sold at auction.

SECTION 3. This act shall take effect upon its passage.

Approved March 25, 1878.

AN ACT RELATING TO THE PAYMENT OF CERTAIN DAMAGES, LIABILITIES, COSTS AND EXPENSES BY THE TOWN OF LEXINGTON.

Chap. 85

Be it enacted, &c., as follows:

SECTION 1. The town of Lexington is hereby authorized to raise money, by taxation or otherwise, for the purpose of meeting and defraying all expenses incurred in draining certain meadows therein, under chapter two hundred and fourteen of the acts of the year eighteen hundred and seventy-three, and all damages and liabilities incurred, and all costs and expenses to which any of its officers, agents or employes have been or may be subjected, by reason of any acts done as such in carrying out the provisions of said chapter, and the votes of said town thereunder, and all expenditures heretofore made for said purpose are hereby ratified and confirmed, notwithstanding the failure of said town legally to accept said act.

May raise money to meet expenses incurred in draining meadows.
1873, 214.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1878.

AN ACT TO AMEND AN ACT RELATING TO THE PAR VALUE OF SHARES IN CORPORATIONS.

Chap. 86

Be it enacted, &c., as follows:

SECTION 1. The provisions of section one of chapter thirty-seven of the acts of the year eighteen hundred and seventy-three shall not apply to corporations organized for the purposes mentioned in the third and fourth sections of

Corporations organized under 1870, 224, §§ 3, 4, not required to fix par value of shares at \$100.

chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy.

May change par value of shares.

Proviso.

SECTION 2. Any corporation organized for the purposes mentioned in said third and fourth sections may, at a meeting of its stockholders called for the purpose, change the par value of its shares of capital stock: *provided*, that in case of such change a certificate thereof shall within ten days thereafter be made, signed and sworn to by the president, treasurer and a majority of the directors, and be filed in the office of the secretary of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1878.

Chap. 87 AN ACT RELATING TO THE ADVERTISEMENTS OF INSURANCE COMPANIES.

Be it enacted, &c., as follows:

To advertise liabilities when advertising assets.

SECTION 1. Whenever any insurance company or association doing business in this Commonwealth advertises its assets, it shall in the same connection and equally conspicuously advertise its liabilities, the same to be determined in the manner now required in making the annual statements to the insurance commissioner; and all advertisements purporting to show the capital of such companies or associations shall exhibit only the amount of such capital as has actually been paid up in cash. All policies, renewals, signs, circulars, cards or other means by which public announcements are made shall be held to be advertisements within the meaning of this act.

To advertise only such amount of capital as has been paid up in cash.

Penalty.

SECTION 2. Any such company or association or any agent thereof issuing or circulating advertisements which are not in conformity with the limitations and requirements of the preceding section of this act, shall be liable to pay a fine of not less than fifty dollars nor more than five hundred dollars.

To take effect Jan. 1, 1879.

SECTION 3. This act shall take effect on the first day of January in the year eighteen hundred and seventy-nine.

Approved March 28, 1878.

Chap. 88 AN ACT TO DIVIDE THE TOWN OF WILBRAHAM AND TO INCORPORATE THE TOWN OF HAMPDEN.

Be it enacted, &c., as follows:

Town of Hampden incorporated.

SECTION 1. All the territory now within the town of Wilbraham, in the county of Hampden, which lies southerly of the following described line, that is to say: beginning at a stone monument on the east line of the town of

Longmeadow, and eighteen hundred and thirty-two feet southerly by said line from the stone monument marking the north-east corner of said town of Longmeadow; thence south eighty-eight degrees and twenty-five minutes east, fourteen thousand one hundred and fifty-eight feet to a stone monument; thence north twenty-seven degrees and fifteen minutes east, three thousand three hundred and thirty-two feet to a stone monument; thence south eighty-eight degrees and twenty-five minutes east, nine thousand eight hundred and fifteen feet to a stone monument on the west line of the town of Monson: is hereby incorporated into a town by the name of Hampden; and the said town of Hampden is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requirements to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Territorial limits.

SECTION 2. The inhabitants of said town of Hampden shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Wilbraham, and also their proportion of all county and state taxes that may be assessed upon the town of Wilbraham previously to the taking of the next state valuation, the same to be ascertained and determined by the last valuation in said Wilbraham; and such proportion of all county and state taxes, as well as all taxes heretofore assessed and not collected, shall be collected and paid to the treasurer of the town of Wilbraham, together with all interest on taxes now in the hands of the collector, in the same manner as if this act had not been passed.

Inhabitants of Hampden to pay assessed taxes to town of Wilbraham.

SECTION 3. Said towns of Wilbraham and Hampden shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers whose settlement was gained whether by original acquisition or derivation within their respective limits; and the town of Hampden shall also pay annually to the town of Wilbraham its proportion of all the expenses incurred by the town of Wilbraham by reason of any settlement acquired in Wilbraham in consequence of military service in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of Wilbraham.

Liability for support of paupers.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Wilbraham arose before the passage of this act, may be instituted and prosecuted or defended as the

Suits may be prosecuted or defended by either town, where cause of action arose be-

fore passage of
this act.

Proviso.

Division of cor-
porate prop-
erty and public
debt.

Reimburse-
ment for state
aid.

If towns do not
agree upon di-
vision of prop-
erty, &c., court
to appoint com-
missioners.

case may be, by either or both of the towns of Wilbraham and Hampden or the inhabitants thereof in their corporate capacity, in the same manner and with the same effect as the town of Wilbraham might have instituted and prosecuted or defended such suits or proceedings had this act not been passed; and the amount recovered in any such suit or proceeding by or against said town of Wilbraham, or said town of Hampden, shall be received or paid, as the case may be, by the towns of Wilbraham and Hampden, in the same proportions as the public property and debts of the town of Wilbraham are required to be divided by this act: *provided*, that neither of said towns shall be liable for costs to the other, unless it appears in the suit; nor shall either town be so liable, unless it appears in a suit, for costs to the defendant therein, but only that town which appears shall be so liable for costs.

SECTION 5. The corporate property belonging to the town of Wilbraham at the date of the passage of this act, excepting such as may otherwise be lawfully disposed of, and the public debt of said town, shall be divided between the towns of Wilbraham and Hampden according to the valuation of the property within their respective limits, as assessed May first, in the year eighteen hundred and seventy-seven; and said town of Hampden shall receive from said town of Wilbraham a proportionate part of whatever amount may hereafter be refunded to said town of Wilbraham, from the state or the United States, to reimburse said town of Wilbraham for bounties or state aid to soldiers or their families, after deducting all reasonable expenses; and said towns of Wilbraham and Hampden shall bear the expense of making the survey and establishing the line between said towns, in the same proportions as the public property and debts of said town of Wilbraham are required to be divided by this act.

SECTION 6. In case said towns of Wilbraham and Hampden shall not agree in respect to a division of property, debts, or state or county taxes, the superior court for the county of Hampden shall upon a petition of either town appoint three competent and disinterested persons as commissioners to hear the parties, and award thereon, and their award, or the award of any two of them, being accepted by said court, shall be final, and said petition may be filed and appointments made in vacation; and said court shall have jurisdiction to render judgment or make any order or decree upon said award, to issue execution or any other proper process to enforce such judgment,

decree or order, but the award shall not be set aside unless for fraud or manifest error, in which case the court may recommit the award or appoint other commissioners with the same powers and duties as the first, of whose proceedings the court shall have the same jurisdiction as herein before provided. In making said award said commissioners shall assign the real estate, owned by said town of Wilbraham at the time of the passage of this act, to the town within which said estate shall be situated, so far as such assignment shall be practicable.

SECTION 7. The town of Hampden, until otherwise provided by law, shall continue to be a part of the eleventh congressional district, of the eighth councillor district, of the first Hampden senatorial district, of the second Hampden representative district, and within the jurisdiction of the police court of Springfield; and the voters of the town of Hampden shall vote for representatives to congress, senators and representatives to the general court, and members of the council, in said town of Hampden, at meetings legally called for that purpose; and the clerk of the town of Hampden shall make returns and meet with the clerks of the towns of Palmer, Ludlow and Wilbraham, for the purpose of ascertaining the result of the election of representatives for said second Hampden representative district, and making certificates of the same at noon on the day following said election, at such place as has been or may hereafter be legally designated for the meeting of said clerks.

Election of national and state officers.

SECTION 8. Any justice of the peace within and for the county of Hampden may issue his warrant, directed to any inhabitant of the town of Hampden, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings: and said warrant shall be served by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town of Hampden, seven days at least before such time of meeting; such justice, or in his absence such inhabitant required to notify the meeting, shall preside until the choice of moderator of said meeting. The selectmen of the town of Wilbraham shall, before said meeting, prepare a list of voters in said town of Hampden qualified to vote at said meetings, and shall deliver the same to the person

First meeting for election of town officers.

presiding at such meeting before the choice of a moderator thereof.

SECTION 9. This act shall take effect upon its passage.
Approved March 28, 1878.

Chap. 89 AN ACT TO AMEND AN ACT AUTHORIZING TOWNS TO PROVIDE FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

Be it enacted, &c., as follows:

Amendment to
1863, 114, § 1.

SECTION 1. The first section of chapter one hundred and fourteen of the acts of the year eighteen hundred and sixty-three is hereby amended by striking out all after the word "sidewalks," in said section, and inserting in place thereof the words "within the limits of the highways or townways in such towns."

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1878.

Chap. 90 AN ACT IN RELATION TO RAILROAD POLICE.

Be it enacted, &c., as follows:

Amendment to
1874, 372, § 143.

SECTION 1. Section one hundred and forty-three of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the words "such railroad extends," and inserting in place thereof the words "such corporation draws its cars by its own motive power."

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1878.

Chap. 91 AN ACT AUTHORIZING CITIES AND TOWNS TO PASS ORDINANCES AND BY-LAWS FOR THE PROTECTION OF TRAVELLERS ON STREETS AND PUBLIC WAYS.

Be it enacted, &c., as follows:

May require
erection of bar-
riers upon build-
ings, to prevent
snow and ice
from falling up-
on travellers.

Cities and towns may make ordinances and by-laws, with appropriate penalties for the violation thereof, requiring owners of buildings near the line of streets and public ways to erect barriers or take other suitable measures to prevent the falling of snow and ice from such buildings upon persons travelling on such streets and ways, and to protect such persons from any other dangers incident to the maintenance, occupation or use of such buildings.

Approved March 29, 1878.

Chap. 92 AN ACT TO AMEND SECTION ONE OF CHAPTER FIFTY-NINE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-SEVEN, CONCERNING THE PROTECTION OF CAMP MEETINGS.

Be it enacted, &c., as follows:

Not to provide

SECTION 1. Section one of chapter fifty-nine of the acts.

of the year eighteen hundred and sixty-seven is hereby amended by inserting the words "or furnishes shelter and provender for, or has the care of any horses for pay," after the word "refreshments," in the fifth line.

for horses for pay within one mile of camp meeting, without permission.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1878.

Chap. 93

AN ACT TO AMEND AN ACT RELATING TO PUBLIC WAREHOUSES.

Be it enacted, &c., as follows:

SECTION 1. The title to goods and chattels stored in a public warehouse shall pass to a purchaser or pledgee by the indorsement and delivery to such purchaser or pledgee of the warehouseman's receipt therefor, signed by the person to whom the receipt was originally given or by an indorsee of the receipt.

Title of goods to pass by indorsement and delivery of warehouseman's receipt.

SECTION 2. All warehouse receipts for property stored in public warehouses shall distinctly state on their face the brand or distinguishing marks upon such property; or if the receipts are given for grain, they shall state as above, the quantity and inspected grade of the grain.

Receipts to state brand, grade, &c.

SECTION 3. Where grain or other property is stored in a public warehouse in such a manner that different lots or parcels are mixed together, so that the identity of the same cannot be accurately preserved, the warehouseman's receipt for any portion of such grain or property shall be deemed a valid title to so much thereof as is designated in said receipt, without regard to any separation or identification.

Receipts for grain to give title to quantity therein designated.

SECTION 4. Sections two and three of chapter two hundred and ten of the acts of the year eighteen hundred and seventy-three are hereby repealed.

Repeal of 1873, 210, §§ 2, 3.

SECTION 5. Section three of chapter two hundred and six of the acts of the year eighteen hundred and sixty is hereby amended by striking out the words "said receipt shall also have printed upon it a copy of this law." And section six of the same chapter is amended by striking out the words "and the indorsement thereof."

Amendments to 1860, 206, §§ 3, 6.

SECTION 6. This act shall take effect upon its passage.

Approved March 29, 1878.

Chap. 94

AN ACT RELATING TO SECURITIES HELD BY SAVINGS BANKS AND TRUST COMPANIES, IN PLEDGE OR AS COLLATERAL.

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter two hundred and three of the acts of the year eighteen hundred and seventy-six, shall not be construed to invalidate or in any manner

Provisions of 1876, 203, not to impair title to securities

pledged for
loans.

impair the title of any savings bank or trust company to any securities which have been or may be held by such bank or company in pledge or as security for any loan by or indebtedness to such bank or company; and the same shall be held for the purposes for which they were pledged. But nothing herein contained shall authorize any savings bank or trust company to make other investments than those now prescribed by law.

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1878.

Chap. 95 AN ACT FIXING THE TERMS OF THE SUPERIOR COURT, IN THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows:

Terms of the
superior court
for the county of
Bristol.

SECTION 1. The terms of the superior court in the county of Bristol shall hereafter be held on the first Mondays of March, June, September and December, in each year, instead of the times now provided by law. All writs and other processes in civil cases, and all recognizances and appeals in criminal cases, which may have been made returnable to or answerable in the term of said court to be held on the second Monday of June next, shall be entered in and be legally returnable to and answerable in the term of said court provided hereby to be held on the first Monday of June next.

SECTION 2. This act shall take effect on the first day of May next.

Approved March 29, 1878.

Chap. 96 AN ACT TO INCORPORATE THE CENTRAL CEMETERY ASSOCIATION OF RANDOLPH.

Be it enacted, &c., as follows:

Corporators.

Name and pur-
pose.

Powers and du-
ties.

Organization.

SECTION 1. Nathaniel Howard, Seth Mann, 2d, J. White Belcher, Seth Turner, Hiram C. Alden, Royal W. Turner, John B. Thayer, their associates and successors, are hereby made a corporation by the name of the "Central Cemetery Association of Randolph," for the purpose of perfecting, controlling and improving the grounds set apart, used and known as the "Central Cemetery or Burial Ground" in the town of Randolph; and said corporation shall have all the powers and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to similar corporations, except as is hereinafter provided.

SECTION 2. A majority in numbers and interest of the proprietors of said cemetery or burial ground, present and

voting at a meeting legally notified for such purpose, may organize said corporation under this act.

SECTION 3. Said corporation may, for the purpose of constructing a sidewalk in front of said cemetery, take a strip of land from the front thereof not exceeding four feet in width, and any person damaged by such taking shall have his damages assessed in the same manner provided for assessing damages in case of taking land for highway purposes: *provided*, that said corporation shall first cause all remains, if any, interred in that portion of the burial ground so taken, to be removed and buried elsewhere under such reasonable directions as the relatives, if any, of the deceased may give; and the expense of such removal and re-interment shall be defrayed by the said corporation.

May construct sidewalk in front of cemetery.

Remains to be removed and buried elsewhere.

SECTION 4. The said corporation may acquire by gift, devise or purchase, and hold in fee simple, so much real estate in the town of Randolph, and may also hold so much personal property, as may be necessary for the objects connected with and appropriate to the purposes of said corporation.

Real and personal estate.

SECTION 5. This act shall take effect upon its passage.
Approved March 29, 1878.

AN ACT RELATIVE TO THE BOARD OF OVERSEERS OF THE POOR OF THE CITY OF SPRINGFIELD.

Chap. 97

Be it enacted, &c., as follows:

SECTION 1. The city physician of the city of Springfield shall be, *ex officio*, a member of the board of overseers of the poor of said city, and shall be duly sworn to the faithful discharge of his duties as such member.

City physician to be one of the overseers of the poor.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1878.

AN ACT TO CONFIRM CERTAIN ACTS DONE BY LYMAN A. ELY AS A JUSTICE OF THE PEACE.

Chap. 98

Be it enacted, &c., as follows:

SECTION 1. All acts done by Lyman A. Ely as a justice of the peace within and for the county of Worcester, between the seventh day of May in the year eighteen hundred and seventy-six, and the sixteenth day of October in the year eighteen hundred and seventy-seven, are hereby made valid and confirmed to the same extent as though he had been during that time qualified to discharge the duties of said office.

Acts done as a justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved March 29, 1878.

Chap. 99 AN ACT RELATING TO THE BUTCHERS' SLAUGHTERING AND MELTING ASSOCIATION.

Be it enacted, &c., as follows:

May increase
capital stock.

SECTION 1. The Butchers' Slaughtering and Melting Association is hereby authorized to increase its capital stock to an amount not exceeding three hundred thousand dollars; and the holders of the bonds of said corporation may exchange the same for an equal amount of the stock of said corporation at par, within the limit hereby fixed to the amount of said capital stock.

Duties and li-
abilities.

SECTION 2. Said corporation shall have the rights and be subject to the liabilities set forth in chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy and the acts in addition thereto; but said corporation shall continue subject to all the duties and obligations now imposed upon it by its charter and any laws in addition to or amendment of the same.

SECTION 3. This act shall take effect upon its passage.

Approved March 29, 1878.

Chap. 100 AN ACT RELATIVE TO THE TERMS OF THE SUPERIOR COURT WITHIN AND FOR THE COUNTY OF NANTUCKET.

Be it enacted, &c., as follows:

Terms of the
superior court
for the county
of Nantucket.

SECTION 1. The terms of the superior court within and for the county of Nantucket shall hereafter be held on the first Tuesdays of July and October in each year, instead of the times now provided by law. All writs and other processes in civil cases, and all recognizances and appeals in criminal cases, which may have been made returnable to or answerable in the term of said court to be held on the first Monday of June next, shall be entered in and be legally returnable to and answerable in the term of said court provided hereby to be held on the first Tuesday of July next.

SECTION 2. This act shall take effect on the first day of May next.

Approved March 30, 1878.

Chap. 101 AN ACT IN ADDITION TO AN ACT ESTABLISHING THE CITY OF SALEM.

Be it enacted, &c., as follows:

Board of alder-
men to consist
of seven mem-
bers.

SECTION 1. The board of aldermen of the city of Salem shall consist of seven members; and at any time after the acceptance of this act in the manner hereinafter provided, the board of aldermen of said city may issue a warrant for the election of one additional member of said board, to serve until the expiration of the present municipal year, in the manner now provided by law in the case of vacancies

occurring in said board: and at the next annual election for municipal officers there shall be chosen seven members of said board.

SECTION 2. This act shall take effect upon its acceptance by a two-thirds vote of each branch of the city council, but shall be void unless so accepted within sixty days from its passage.

Approved March 30, 1878.

Subject to acceptance by a two-thirds vote of the city council.

AN ACT CONCERNING THE TREASURER AND COLLECTOR OF THE CITY OF CAMBRIDGE.

Chap. 102

Be it enacted, &c., as follows:

SECTION 1. The treasurer and collector of the city of Cambridge may be removed from office at any time for sufficient cause, by the mayor with the consent and approval of three-fourths of all the members of each branch of the city council, upon a yea and nay vote. The city council shall in convention by joint ballot elect a successor to any treasurer and collector thus removed, and the collector thus chosen shall complete the collection of all taxes and assessments which were committed to the former collector, and all proceedings in such collection shall be conducted in the same manner as is provided by law in the case of the death of a collector.

May be removed from office by city council.

Successor to be elected by city council.

SECTION 2. All fees, charges and commissions of every kind and description allowed by law for the collection of taxes, betterments, rates and assessments of every kind to any person or persons authorized to collect the same upon any warrant or other command hereafter directed to the treasurer and collector of the city of Cambridge in his capacity as treasurer or as collector or as both treasurer and collector, shall be collected and paid into the treasury of said city, and shall be the property of said city. The city may pay to such person such compensation for his services as the city council shall from time to time determine.

Charges allowed by law for collection of taxes, &c., to be paid into city treasury.

Compensation.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1878.

AN ACT TO AMEND AN ACT CONCERNING THE DIVISION OF FLATS.

Chap. 103

Be it enacted, &c., as follows:

SECTION 1. Any person who shall by purchase, devise, descent, or the enforcement of any mortgage or lien, during the pendency of proceedings for the division of flats under the provisions of chapter three hundred and thirty-eight of the acts of the year eighteen hundred and seventy-one, acquire any interest or title in or to any flats

Person acquiring interest in flats during proceedings for division thereof, may be made party thereto.

which are the subject matter of such proceedings, may be made by order of the court a party thereto, and be made chargeable with a share of the expenses of the same, in such manner and to such extent as justice shall require and the court may prescribe.

SECTION 2. This act shall take effect upon its passage.
Approved April 3, 1878.

Chap. 104

AN ACT REQUIRING RETURNS RELATING TO FIRES.

Be it enacted, &c., as follows:

Returns concerning fires to be made to insurance commissioner.

SECTION 1. The mayor and aldermen of each city, and the selectmen of each town in this Commonwealth, shall annually in the month of January return to the insurance commissioner a statement showing the number of fires which have occurred in their respective cities and towns during the preceding year. Such return shall also state the names of the owners or occupants of the premises damaged or destroyed, the cause or origin of the fire, if known, the amount of loss or damage and the insurance thereon.

Commissioner to furnish blanks for returns, and make report to legislature.

SECTION. 2. The insurance commissioner shall in due season prepare and forward to the officials named, blanks suitable for making the returns required by the first section of this act, and shall include in his annual report to the legislature a condensed statement of statistics derived from such returns.

SECTION 3. This act shall take effect upon its passage.
Approved April 3, 1878.

Chap. 105

AN ACT RELATING TO THE VENUE OF PROSECUTIONS FOR EMBEZZLEMENT.

Be it enacted, &c., as follows:

Trial, &c., in any county where property has been in possession.

A person charged with embezzlement may be complained of or indicted, tried and sentenced, in any county in which he had possession of the property alleged to have been embezzled.

Approved April 3, 1878.

Chap. 106

AN ACT TO PREVENT DECEPTION IN SALES OF BUTTER.

Be it enacted, &c., as follows:

Substances offered for sale, in semblance of butter and not made from milk or cream, to be branded "oleo-margarine."

SECTION 1. Every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter, or any oil thereof has been introduced to take the place of cream, shall distinctly and

durably stamp, brand or mark upon the top and side of every tub, firkin, box or package of such article or substance, the word "oleo-margarine," in letters at least one-half inch in size; and in case of retail sale of such article or substance in parcels, the seller shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word "oleo-margarine;" and every sale of such article or substance not so stamped, branded, marked or labelled, is declared to be unlawful; and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so stamped, branded, marked or labelled.

Action on contract for sale not to be maintained, unless substance is so branded.

SECTION 2. Every person who shall knowingly sell, or offer to sell, or expose for sale, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be stamped, marked or labelled as therein stated, or in case of retail sale without delivery of a label required by the first section of this act, shall for each such offence be punished by a fine of one hundred dollars; and on trial for such offence, proof of the sale, or offer to sell, or of the exposure for sale, shall be presumptive evidence of knowledge of the character of the article so sold, or offered, or exposed, and of knowledge that the same was not marked, branded, stamped or labelled as required by this act.

Penalty for selling, &c., contrary to the provisions of this act.

Approved April 3, 1878.

AN ACT AUTHORIZING THE SUPREME JUDICIAL COURT TO ADJOURN TO AND HOLD SPECIAL TERMS IN FALL RIVER.

Chap. 107

Be it enacted, &c., as follows:

SECTION 1. If the public business demands, the supreme judicial court may adjourn any established term within and for the county of Bristol from either Taunton or New Bedford to Fall River, in the same manner and with the same effect as it may now adjourn from one shire town to another; and any adjournment so made shall be subject to all the provisions of law relating to adjournments from one shire town to another.

Supreme judicial court may adjourn any regular term from Taunton or New Bedford, to Fall River.

SECTION 2. The justices of the supreme judicial court may hold at Fall River, within and for the county of Bristol, any special term authorized by the provisions of chapter four hundred and thirty-three of the acts of the year eighteen hundred and sixty-nine.

Special terms of court under 1869, 433.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1878.

Chap. 108 AN ACT RELATIVE TO FUNDING THE FLOATING DEBT OF THE CITY OF FALL RIVER.

Be it enacted, &c., as follows:

Fall River may borrow money to fund floating debt.

SECTION 1. For the purpose of funding the floating debt of the city of Fall River, the city council of said city is hereby authorized to borrow from time to time, an amount of money not exceeding in all the sum of two hundred and fifty thousand dollars, in addition to the amounts now authorized by law, and to issue therefor the bonds of said city, payable not more than twenty years from the time of their issue in the lawful money of the United States. And said council may dispose of the whole or any part of said bonds, at any time or times, for money borrowed for the purposes aforesaid, upon such terms as said council may deem proper. And said council is hereby further authorized to grant appropriations and assess from time to time, sums of money sufficient for the payment of the interest on such bonds so issued and outstanding, in the same manner as moneys are appropriated and issued for other said city purposes; and all money so borrowed as aforesaid shall be applied in payment of said floating debt, and for no other purpose or purposes whatsoever.

May grant appropriations for the payment of interest on bonds.

SECTION 2. This act shall take effect upon its passage.
Approved April 3, 1878.

Chap. 109 AN ACT TO CONFIRM THE ELECTION OF MODERATOR IN THE TOWN OF BRADFORD.

Be it enacted, &c., as follows:

Election of moderator ratified and confirmed.

SECTION 1. The election of moderator made at a town meeting held on the eighteenth day of March in the year eighteen hundred and seventy-eight, in the town of Bradford, so far as the same may appear illegal for the reason that the check list was not used in said election, is hereby ratified and confirmed, and the same shall be taken and deemed good and valid in law to all intents and purposes whatsoever.

SECTION 2. This act shall take effect upon its passage.
Approved April 3, 1878.

Chap. 110 AN ACT ABOLISHING THE TOLLS ON CONNECTICUT RIVER BRIDGE BETWEEN THE TOWNS OF DEERFIELD AND MONTAGUE.

Be it enacted, &c., as follows:

County commissioners may contract with proprietors for

SECTION 1. The county commissioners of the county of Franklin are hereby authorized to contract with the proprietors of Connecticut River Bridge, at any time within

one year from the passage of this act, for the use by the public, free of tolls, of that portion of the bridge of the said proprietors which is now used as a toll bridge; and the said proprietors are authorized to lease the same to the said commissioners and their successors for the use of the public, for such period and upon such terms and conditions as may be agreed upon by the said commissioners and the said proprietors. The rent to be paid for the use of the bridge by the public shall be fixed by said contract, and may be made payable in one sum or in annual or semi-annual payments as shall be stipulated in said contract, and shall be paid to the said proprietors from the treasury of the county of Franklin. When the said contract shall have been executed, the county commissioners shall file the same in the office of the clerk of the supreme judicial court for the county of Franklin; and thereafter no tolls shall be demanded upon said bridge during the period for which the same shall have been leased by said contract for the use of the public.

the use of the bridge by the public, free of tolls.

Contract to be filed in office of clerk of courts.

SECTION 2. The supreme judicial court sitting in any county or any justice thereof, after such notice as the said court or justice may order, upon the application of the county commissioners of the county of Franklin or of the selectmen of any town in said county, made after the said contract shall have been executed, shall appoint a board of three commissioners; and said commissioners having first been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all parties interested and a hearing thereon, determine and award what towns in the county of Franklin are or will be specially benefited by the provisions of the first section of this act and by the contract to be made in pursuance thereof, and shall determine and award what proportions of the rent stipulated to be paid under said contract for the use of said bridge, not less than nine-tenths thereof in all, shall be paid to the said county by the said towns respectively. If the whole expense of repairing and maintaining the said bridge shall not be assumed under said contract by the said proprietors, the said commissioners shall also determine in what proportions and manner the said county of Franklin and the towns benefited as aforesaid shall defray the expenses of the maintenance and repairs of said bridge which may be assumed by the lessees, and shall determine and award in what proportions and to what extent the said towns benefited as aforesaid shall be liable to reimburse the said county for any penalties or damages which may hereafter

Commissioners may be appointed by S. J. C. to determine the amount of rent to be paid by towns benefited.

Expenses of maintenance and repairs.

Liability for
damages.

be paid for any neglect in keeping the same safe and convenient for travel. The said county shall be primarily liable however for the payment of such penalties and damages. The said commissioners shall also determine in what proportions all other costs and expenses incurred under this act, including the fees and expenses of the commissioners, shall be paid by the said county and towns respectively. And their determination and award, or that of the major part of them, shall be made in writing and reported to the supreme judicial court for the county of Franklin, and the same shall be final and binding upon all parties interested therein, when the same shall have been accepted and judgment shall have been entered thereon by the supreme judicial court.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1878.

Chap. 111 AN ACT CONCERNING THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY.

Be it enacted, &c., as follows:

May construct
approaches
from present lo-
cation, to prop-
erty on westside
of Fort Point
Channel.

SECTION 1. The New York and New England Railroad Company, for the purpose of improving its terminal facilities in Boston, may construct suitable approaches for the use of said railroad from the present location of said road to any property occupied or owned by it upon the west side of Fort Point Channel: *provided*, that said approaches shall not interfere with the present draw in Fort Point Channel, or with the access to any property not now occupied or owned by said railroad company, and that they be constructed upon piles wherever outside of the commissioners' line, and subject to all general laws applicable to the building of structures in tide water.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

Chap. 112 AN ACT TO INCORPORATE THE PROPRIETORS OF MAPLE GROVE CEMETERY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Silas Mosman, John B. Wood, R. E. Robertson, L. H. Brigham, Emerson Gaylord, George M. Stearns, Amaziah Bullens, J. T. Ames, S. A. Jacobs and J. B. Fuller, their associates and successors, are hereby made a corporation by the name of Proprietors of Maple Grove Cemetery; and said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Powers and du-
ties.

SECTION 2. Silas Mosman, John B. Wood and R. E. Robertson, are hereby authorized, whenever said corporation shall be duly organized, to release and convey to said corporation all the real estate and rights of property, which they hold as trustees under the deeds by which the Springfield Canal Company heretofore conveyed certain lands in Chicopee to James K. Fletcher, Benning Leavitt and Austin Chapin, second, in trust for the use of the inhabitants of Cabotville, to be set apart as a burial ground for said village of Cabotville: *provided*, however, that the said conveyance herein authorized shall not be made until the selectmen of the town of Chicopee shall give their consent thereto in writing. Upon such conveyance being made, the said trustees shall be released from any further trust in reference thereto; and said corporation shall take and hold the lands so released and conveyed, in trust, for the purposes specified in said deeds. Said corporation shall thereupon have the management and control of the burial ground in the town of Chicopee which is known as Maple Grove Cemetery, including all additions which have been or may hereafter be made to said cemetery; and may make such rules and regulations for the management, use, preservation and ornamentation of the said cemetery as may be deemed necessary, said rules and regulations not to be inconsistent with the laws of this Commonwealth nor with the terms of said deeds.

Trustees may convey lands held for a burial ground in Cabotville.

Proviso.

Corporation to have control of burial ground.

SECTION 3. Said corporation may receive and hold any gifts, grants, donations or bequests, for the benefit and improvement of said cemetery; and shall manage and apply said gifts, grants, donations or bequests, in such manner as may be prescribed by the donor or grantor thereof; may also establish a permanent fund, not to exceed in amount the sum of ten thousand dollars; may invest the same in such securities as the said corporation may from time to time determine, and apply the income thereof to the improvement and preservation of said Maple Grove Cemetery.

May receive and hold bequests, grants, and donations.

Permanent fund not to exceed \$10,000.

SECTION 4. This act shall take effect whenever it shall be accepted by the board of selectmen of the town of Chicopee.

Subject to acceptance by the selectmen.

Approved April 3, 1878.

AN ACT IN RELATION TO MEETINGS OF THE DIRECTORS OF THE BOSTON AND ALBANY RAILROAD COMPANY.

Chap. 113

Be it enacted, &c., as follows:

SECTION 1. Stated meetings of the directors of the Boston and Albany Railroad Company shall be held regu-

Stated meetings of directors to be

held once each month.

larly and at least once in each month at such time and place as said directors shall determine.

SECTION 2. This act shall take effect upon its passage.

Approved April 3, 1878.

Chap. 114 AN ACT TO INCORPORATE THE TRUSTEES OF THE PUBLIC LIBRARY OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Trustees of the public library of the city of Boston, incorporated.

SECTION 1. The trustees of the public library of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the Public Library of the City of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges and subject to all the duties, restrictions and liabilities in the general laws relating to such corporations.

Real and personal estate not to exceed \$1,000,000.

SECTION 2. Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed or devised to it, and accepted by the trustees for the benefit of the public library of the city of Boston or any branch library, or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer: *provided, always*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest, under the direction of said corporation.

Investments.

Trustees to be seven in number.

SECTION 3. The trustees of the public library shall be seven in number. In the month of April in the year eighteen hundred and seventy-eight and annually thereafter in the month of January, the city council shall elect, by concurrent vote of the two branches, one member of the board of aldermen, and one member of the common council, to be members of said board of trustees, to hold office during the remainder of the municipal year in which they are elected, and until others are elected in their places. And in the month of April in the year eighteen hundred and seventy-eight, the mayor shall appoint, subject to the confirmation of the city council, five citizens of Boston, not members of the city council, to be members of the board of trustees of the public library, one of whom shall hold office for five years, one for four years, one for three years, and one for two years, and one for one year; and

upon such election, and such appointment and confirmation, the terms of office of the trustees of the public library then holding office shall cease and determine. And annually thereafter, in the month of April in each year, the mayor shall appoint, subject to the confirmation of the city council, one citizen at large as a trustee of the public library, to serve for a term of five years from the first Monday in May in the year in which he shall be appointed. The trustees shall at all times be subject to removal from office for cause by a vote of two-thirds of each branch of the city council present and voting thereon. Whenever any vacancy shall occur in said board of trustees by death, resignation or otherwise, said vacancy shall be filled by the election or appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

Removal from office.

SECTION 4. The members of said board shall meet for organization on the first Monday of each May, and choose one of their number as president. They shall have power to make such rules and regulations relating to said public library and its branches, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient: *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions and amendments as the city council may direct.

Organization of board of trustees.

SECTION 5. The said trustees shall have the general care and control of the central public library now located in Boylston street in said city and of all branches thereof, which have been or which may hereafter be established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the moneys appropriated therefor.

Trustees to have care and control of the central library and its branches.

SECTION 6. The said board of trustees may appoint a superintendent or librarian with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same, and fix their compensation: *provided*, that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act.

May appoint librarian and assistants, and fix their compensation.

Proviso.

SECTION 7. The city council shall have power to pass

City council may
pass ordinances
as to duties of
board.

such ordinances not inconsistent herewith or repugnant to other laws of the Commonwealth as to the duties and authority of said board as they may from time to time deem expedient.

SECTION 8. This act shall take effect upon its passage.

Approved April 4, 1878.

Chap. 115 AN ACT RELATING TO THE FOURTH CONGREGATIONAL PRECINCT IN ROCHESTER.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The name of the Fourth Congregational Precinct in Rochester, is hereby changed to the First Congregational Society in Marion.

Acts legalized
and confirmed.

SECTION 2. All acts which have been done and performed by the Fourth Congregational Precinct in Rochester since the year eighteen hundred and fifty, under the name of the Congregational Precinct in Marion, the First Congregational Precinct in Marion, or the First Congregational Society in Marion, are hereby legalized and confirmed, and made of the same force and effect as if performed under its corporate name.

Real and per-
sonal estate,
\$30,000.

SECTION 3. Said corporation is hereby authorized to hold personal and real estate to the amount of thirty thousand dollars, subject to all the laws which now do or may hereafter apply to such religious societies.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1878.

Chap. 116 AN ACT TO AMEND CHAPTER FORTY-NINE OF THE GENERAL STATUTES IN RELATION TO THE INSPECTION AND SALE OF HOOPS.

Be it enacted, &c., as follows :

Inspection and
sale of hoops.
G. S. 49, § 86.

SECTION 1. Section eighty-six of chapter forty-nine of the General Statutes is hereby amended so that it shall read as follows, to wit:—Hogshead hoops that are exposed to sale or exported shall be from ten to fourteen feet in length, of white oak or walnut, of good and sufficient substance, and well shaved, and shall not be less than one inch broad at the least end; each bundle shall consist of twenty-five hoops, and all hoops of ten, twelve and fourteen feet respectively, shall be made up in distinct bundles by themselves. If hoops of less dimensions than those prescribed by law are packed, or if a bundle contains less than twenty-five hoops, the bundle shall be forfeited, and may be seized by the culler of hoops and libelled for the benefit of the place where it is offered for sale.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1878.

AN ACT TO AUTHORIZE THE BOSTON, CLINTON, FITCHBURG AND NEW BEDFORD RAILROAD COMPANY TO DISCONTINUE ITS PASSENGER STATION IN NEW BEDFORD.

Chap. 117

Be it enacted, &c., as follows:

The Boston, Clinton, Fitchburg and New Bedford Railroad Company is authorized to discontinue its passenger station on Pearl Street in New Bedford, and to provide other depot accommodations in such place or places in said city as may be approved by the board of railroad commissioners and the city council of the city of New Bedford.

May discontinue passenger station, and provide other accommodations in New Bedford.

Approved April 4, 1878.

AN ACT CONCERNING CERTAIN STATIONS OF THE NEW YORK AND NEW ENGLAND RAILROAD COMPANY IN NEWTON.

Chap. 118

Be it enacted, &c., as follows:

SECTION 1. The New York and New England Railroad Company is hereby directed, within one year from the passage of this act, to provide a suitable passenger station with accommodations not inferior to those at either of the present stations in the village of Newton Centre, and suitable approaches thereto from both Cypress and Station streets, and to locate the same between its present stations in the village of Newton Centre, at a point to be approved by the board of railroad commissioners.

To provide another passenger station in Newton Centre.

SECTION 2. Upon the establishment of the station as aforesaid to the approval of said board of railroad commissioners, said board is directed to order the discontinuance of the present upper and lower stations at said village.

Upper and lower stations to be discontinued.

SECTION 3. For the purpose of securing suitable freight and passenger accommodations in the village of Newton Centre, and suitable approaches thereto, the New York and New England Railroad Company may, within one year from the passage of this act, take or purchase, hold and use, such parcels of land as in the judgment of the railroad commissioners may be convenient therefor.

May take land subject to approval of railroad commissioners.

SECTION 4. All general laws relating to the taking of land for railroad purposes and the location and construction of railroads shall be applicable to and govern the proceedings in the taking of said lands.

General laws relating to taking land, to govern proceedings.

SECTION 5. This act shall take effect upon its passage.

Approved April 4, 1878.

Chap. 119 AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CLERK IN THE PROBATE OFFICE OF THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

May appoint a clerk, at salary of \$1,200, payable from the state treasury.

SECTION 1. The register of probate and insolvency for the county of Suffolk may appoint a clerk, removable at his pleasure, who shall receive an annual salary of twelve hundred dollars from the treasury of the Commonwealth; such appointment to be subject to the approval of the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1878.

Chap. 120 AN ACT RELATING TO SIDEWALKS, CROSSWALKS, COMMON SEWERS AND MAIN DRAINS IN THE FIRE DISTRICT OF THE TOWN OF PITTSFIELD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Board of commissioners of sidewalks and drains in Pittsfield.

SECTION 1. From and after the passage of this act, there shall continue to be a board of commissioners of sidewalks, common sewers and main drains of the fire district in the town of Pittsfield, with the powers and duties now provided by law, except as the same are modified by this act. The persons now constituting said board shall continue to hold their said offices for the terms for which they were severally chosen; and said district shall hereafter, at each annual meeting, elect by ballot one such commissioner, whose term of office shall be for three years. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn, and shall receive such compensation as shall be fixed by vote of said fire district, at a meeting called for that purpose.

Vacancies.

Compensation.

To expend money raised, as prescribed by vote of the district.

SECTION 2. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act, and said board shall expend the same for the purposes prescribed by vote of the district; and every member of said board of commissioners shall be accountable to the said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriations, or for any purpose not specified by the vote of the district appropriating the same.

Clerk of district to certify to assessors of town

SECTION 3. The clerk of the district shall certify to the assessors of the town of Pittsfield all sums voted to be

raised by the district under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the same manner as the town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same, subject to the order of said board. The clerk of said district shall act as clerk of said board, and shall enter all its proceedings in the records of said district; and all records of the acts and proceedings of said board heretofore made by any clerk of said district, or by said commissioners, and certified copies thereof, shall be admissible in evidence as if made after the passage of this act.

all sums voted to be raised.

Clerk of the district to be clerk of the board.

SECTION 4. It shall be the duty of said board, under the supervision and direction of said district, to construct, reconstruct, repair, maintain, and have charge of all main drains, common sewers, and sidewalks in said fire district, and of all matters pertaining thereto as herein provided, and to construct such crosswalks as may be ordered by said district, and to keep maps and plans of all such main drains and common sewers.

Board to have charge of all drains, &c., in the district.

SECTION 5. Said board shall have authority to determine the grade, width and material, including curbstone, of all sidewalks on the public streets and highways of said district; and to construct, reconstruct and repair such sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess the amount of the same upon all the lands specially benefited by such making, reconstruction or repair, whether such lands abut on such sidewalk or not.

To determine grade and width of sidewalks.

SECTION 6. Said board shall have power to determine when, in what manner and to what extent, snow, ice, grass, herbage, trees and other obstructions, shall be removed from the sidewalks in said district, or from any of the same, or any portion thereof, and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter, on the streets and sidewalks within the limits of said district.

To determine what obstructions shall be removed from sidewalks.

SECTION 7. No sidewalk, graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof, without the consent of said board; and who-

Sidewalks not to be dug up without consent of board.

ever rides or drives a horse or team, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along such sidewalk, except to cross the same, or shall dig up or otherwise obstruct the same without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Crosswalks may be ordered to be constructed.

SECTION 8. Said fire district, at meetings called for that purpose, may order said board to construct crosswalks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such crosswalks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

Board to construct drains, and take land for that purpose.

SECTION 9. Said board shall lay, make, reconstruct and maintain in said fire district, all such main drains and common sewers as said fire district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for these purposes may take, in the manner hereinafter provided, any land which in their opinion may be necessary therefor. Upon the completion of any main drain or common sewer by said board, or the completion of the reconstruction or repair of such sewer or drain, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made and kept; and said board shall then assess two-thirds of the said whole expense upon all lands in any way benefited by such making, reconstruction or repair, and including all lands connected therewith by any particular drain.

Two-thirds of expense to be assessed upon lands benefited.

Regulation of drains and sewers.

SECTION 10. All the main drains and common sewers in said district shall be the property of said district, and shall be under the charge and control of said board, who shall have power and authority to regulate the use of the same, and to prescribe the mode in which the same shall be entered by private drains from lands which have been assessed for the expense of their construction, and upon proper compensation therefor, to allow the same to be used to drain lands not so assessed, and to prescribe the manner of such use, and also, upon proper compensation therefor, to allow the use of the same in such manner as they shall direct, for the purpose of draining the public and private streets and ways and highways in said district. And no person shall be allowed to enter or discharge into

a main drain or common sewer any private drain connecting any land which has not been assessed for the expense of building or repairing such main drain or common sewer under this act, except by leave of said board, and on payment of such compensation as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation to be made for such use whether the same have been heretofore or shall be hereafter constructed.

SECTION 11. All assessments so made by said board shall constitute a lien on the real estate assessed, for two years from the time of assessment, and for one year after the final determination of any suit or proceeding in which the amount or validity of such assessment shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said district. Said collector shall forthwith publish the same for three successive weeks in some newspaper published in said district, and shall, on or before the day of the last publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him and within his precinct. If any such assessment shall not be paid within three months from the last publication of said list, he shall levy the same with incidental costs and expenses, by sale of the land, such sales to be conducted in like manner as sales of land for non-payment of taxes; and in making such sales, and any sales for taxes assessed for said district, such collector, and said district and its officers, shall have all the powers and privileges conferred by the general laws of the Commonwealth upon collectors of taxes, and upon cities and towns and their officers relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district, in the same manner as moneys received by him from taxes assessed for said district by the assessors of Pittsfield.

Assessments to constitute a lien upon the estate assessed.

Collection of assessment.

SECTION 12. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has

Invalid assessments may be reassessed.

been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the board of commissioners of sidewalks, common sewers and main drains for the time being, to the just amount which and upon the estate upon which such assessment ought at first to have been assessed; and the assessments thus re-assessed shall be payable, and shall be collected and enforced, in the same manner as other assessments.

Parties aggrieved may apply by petition to superior court.

Trial by jury.

Proviso.

SECTION 13. Any person aggrieved by an assessment made by said board, may, at any time within three months from the last publication of the list of such assessment as provided in the preceding section, apply by petition to the superior court for the county of Berkshire: and after due notice to the said fire district, a trial shall be had at the bar of said court in the same manner in which other civil causes are there tried by the jury, and if either party requests it, the jury shall view the place in question; and such petition may be filed in term time or vacation; and if filed in vacation, the clerk may issue an order of notice thereon, returnable to the term of the court next to be held after thirty days therefrom: *provided*, that before filing said petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objections to the assessment, and to which specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed, and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment, the petitioner shall recover costs.

To file in the registry of deeds a description of the land taken.

SECTION 14. Whenever land is taken by virtue of the provisions of section nine, the said board shall within sixty days after any such taking, file in the registry of deeds of the middle district of the county of Berkshire, a description of any lands so taken, sufficiently accurate for identification, and statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement, shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may, upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing

of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners, the party who applied for the jury shall pay costs to the other party.

SECTION 15. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, or of chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-seven, may be recovered by action of tort, brought by direction of said board, in the name of and for the use of said district, or on complaint or indictment, to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained, unless brought within thirty days after the right of action accrues, or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer in a suit brought for such penalty.

Penalties may be recovered by action of tort.

Proviso.

SECTION 16. The provisions of all general laws of the Commonwealth, applicable to fire districts and not inconsistent with this act, shall continue to apply to the fire district of the town of Pittsfield as herein limited and bounded. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways, or any authority which can be legally exercised over highways or roads in the proper discharge of their duties. But the town of Pittsfield shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering, or other act done for the purpose of repairing a highway or townway; and whenever any crosswalk constructed by said board shall be torn up or injured by the officers of the town of Pittsfield in making, repairing, altering, raising or lowering any highway or townway, said town shall relay and repair such crosswalk in like order and condition as the same was in before it was so torn up or injured. The authority of the town of Pittsfield to construct sidewalks and main drains and common sewers within the limits of said district, shall be suspended while this act is in force.

Provisions of general laws to apply, &c.

SECTION 17. The territory of the fire district of the

Limits of district defined.

town of Pittsfield, shall, from and after this act takes effect, and until changed in accordance with law, be included within the following bounds and measurements, to wit: beginning at a point three hundred and twenty rods easterly from the centre of the soldiers' monument now standing in the park in the village of said town, at the end of a line drawn from said centre at right angles to the easterly line of said town; thence running parallel with said town line, northerly three hundred and twenty rods; thence turning at right angles, and running westerly two miles; thence turning at right angles, and running southerly two miles; thence turning at right angles, and running easterly two miles; thence turning at right angles, and running northerly one mile to the place of beginning: and within one year from the time this act takes effect, the prudential committee of said district shall cause the lines of said district, as fixed by this act, to be surveyed and marked by permanent stone bounds at each corner thereof, and at the intersection therewith of all streets, roads, highways, townways and private ways, if practicable.

Repeal of 1867, 132.

Proviso.

SECTION 18. Chapter one hundred and thirty-two of the acts of the year eighteen hundred and sixty-seven is hereby repealed: *provided*, this repeal and the provisions of this act shall not affect any act done, right established, penalty or forfeiture incurred, suit or prosecution pending, or by-law existing, at the time this act takes effect, which was done, established, incurred, pending or existing under laws then in force or which were in force at the time any such act was done, or in force when any such right was established, or when such penalty or forfeiture was incurred, or in force when said suits and prosecutions were commenced, or in force when said by-laws were adopted, or when they legally existed, except as is herein otherwise specially provided.

SECTION 19. This act shall take effect upon its passage.

Approved April 6, 1878.

Chap. 121 AN ACT TO AMEND AN ACT ESTABLISHING THE TERMS OF THE PROBATE COURT IN THE COUNTY OF BRISTOL.

Be it enacted, &c., as follows:

Term of court on first Friday of July.

SECTION 1. Section one of chapter five of the acts of the year eighteen hundred and sixty-two is hereby amended by inserting after the word "April," in the second line, the word "July," and striking out the words "and the second Friday of July."

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1878.

AN ACT TO AMEND SECTION TEN OF CHAPTER NINETY-TWO OF THE
GENERAL STATUTES RELATING TO SUBSCRIBING WITNESSES TO
WILLS. *Chap. 122*

Be it enacted, &c., as follows:

SECTION 1. Section ten of chapter ninety-two of the General Statutes is hereby amended by inserting after the word "thereto," in the second line, the words "or to the husband or wife of such subscribing witness."

Competency of witnesses to wills.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1878.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A NARROW GAUGE
RAILROAD IN STERLING AND PRINCETON. *Chap. 123*

Be it enacted, &c., as follows:

Any railroad corporation which may be organized during the years eighteen hundred and seventy-eight and eighteen hundred and seventy-nine, in accordance with the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, for the purpose of locating, constructing, maintaining and operating a narrow gauge railroad in Sterling and Princeton, may locate and construct its railroad with a gauge of two feet instead of three feet as established by the general law.

Railroad may be constructed with a gauge of two feet.

Approved April 9, 1878.

AN ACT TO SUPPLY THE TOWN OF BROCKTON WITH PURE WATER. *Chap. 124*

Be it enacted, &c., as follows:

SECTION 1. The town of Brockton is authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses; to establish fountains and hydrants; to regulate their use and relocate or discontinue the same; and to fix and collect rents for the use of said water.

Water supply for town of Brockton.

SECTION 2. Said town for the purposes aforesaid may take, hold and convey into and through the town of Brockton the waters of Salisbury Brook and the tributaries thereof, the springs, brooks and watershed of the meadows lying near said Salisbury Brook and its tributaries, in said town of Brockton and in the adjoining town of Stoughton; and may take and hold by purchase or otherwise such land in said towns of Brockton and Stoughton as may enable them to construct one or more reservoirs for the storage of water on that part of said brook at or near the dividing line between said towns, and such other land in the town of Brockton as may enable them to construct proper distributing reservoirs, and convey said water to the same, and

May take the waters of Salisbury Brook and tributaries.

May take and hold land.

May lay down conduits and pipes.	<p>from the same to all parts of said town of Brockton, and such other land in either of said towns, not more than five rods wide on said brook and around said storing and distributing reservoirs, as may be necessary to protect the same and secure the purity of the water; may erect on said land proper dams, buildings, fixtures and other structures, and make excavations, and procure and run machinery therefor, with such other means and appliances as may be necessary for complete and effective water works; and for that purpose may construct and lay down conduits, pipes and other works under or over any lands, water-courses or roads, and along any street, highway or other way, in such manner as when completed not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and other works, and for all other proper purposes of this act, may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to travel thereon: <i>provided</i>, that within ninety days after the time of taking any lands, water-sources or water-rights as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the counties of Plymouth and Norfolk respectively, descriptions thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the selectmen.</p>
To file in the registry of deeds a description of the land taken.	<p>SECTION 3. The said town of Brockton shall be liable to pay all damages sustained by any persons in their property by the taking of any lands, water, water-sources or water-rights, or by the construction of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or persons sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, they may have them assessed by the county commissioners for the county of Plymouth or of Norfolk by making a written application therefor within three years after the taking of such land or water-sources, or rights, or other injury done, as aforesaid, under this act, but not thereafter; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner as is provided for by law with respect to damages for land taken for highways.</p>
Liability for damages.	<p>SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of</p>
Assessment of damages.	
Parties aggrieved may apply for a jury.	
Water loan not to exceed \$120,000.	

this act, said town shall have authority to issue notes, bonds or scrip from time to time, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated on the face thereof "Brockton Water Loan," to an amount not exceeding one hundred and twenty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms or conditions as it may deem proper; and said town shall annually raise by taxation an amount sufficient, together with the net income received from rents for the use of said water, to pay the interest on said loans as it accrues, and shall establish, at the time of contracting said debt, a sinking fund, and contribute thereto from year to year an amount raised annually by taxation, sufficient with its accumulations, to extinguish the debt at maturity; and said sinking fund shall remain inviolate, and pledged to the payment of said debt, and shall be used for no other purpose. The board of water commissioners hereinafter named shall be the trustees of said fund, and shall report the condition of the same annually to the town.

Sinking fund to be established.

Water commissioners to be trustees of sinking fund.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the water taken under this act, or uses the same for any purpose without consent of the town, or destroys or injures any dam, conduit, hydrant, machinery or other works or property, held, owned or used by said town under authority of and for the purposes of this act, shall forfeit and pay to the said town three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of either of the acts aforesaid may be punished also by a fine of not less than twenty nor more than three hundred dollars, or by imprisonment in jail not exceeding one year, or by an infliction of both the above penalties.

Penalty for diverting water or rendering it impure.

SECTION 6. At the meeting hereinafter provided for the acceptance of this act, five persons shall be elected by ballot to contract for and superintend the construction and completion of the water works, who may exercise all rights, powers and privileges for that purpose herein granted, subject to instructions of the town. At said meeting there shall also be elected by ballot, a board of three water commissioners, one to serve until the next annual meeting of the town thereafter, in March or April;

Five persons to be elected to contract for and superintend erection of works.

Three water commissioners to be elected.

one for a term one year longer; and the third for a term two years longer than the first: after which first election one member of said board as the term expires shall be elected at the annual meeting, to serve for three years. Said commissioners shall have charge of the water works when completed, and may exercise all the rights, powers and authority granted to said town by this act relative to such duties, subject to such instructions as the town may impose by its vote; and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works, and as trustees of the sinking fund.

No expenditure
to be made until
act is accepted.

SECTION 7. This act shall take effect from its passage; but no expenditure shall be made or liability incurred under the same until the act is accepted by a vote of two-thirds of the legal voters of said town present and voting thereon, at a legal meeting called for that purpose; and this act shall be void unless so accepted by said town within three years from the date of its passage.

Approved April 9, 1878.

Chap. 125 AN ACT TO AMEND CHAPTER SIXTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY, RELATING TO THE MAINTENANCE OF LAGOON BRIDGE BETWEEN THE TOWNS OF TISBURY AND EDGARTOWN.

Be it enacted, &c., as follows:

Maintenance
and repair of
bridge.

SECTION 1. The towns of Tisbury and Edgartown shall maintain and repair that portion of the bridge and draw over the canal or creek connecting Holmes' Hole harbor with Lagoon Pond, so called, lying within the limits of the respective towns.

Liability for
damages.

SECTION 2. Said towns shall be respectively liable under the limitations of the law for damages resulting from defects in the portion of said bridge and draw which by this act they are severally required to maintain and repair.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 126 AN ACT TO AUTHORIZE THE APPOINTMENT OF TRUSTEES FOR THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE-MINDED YOUTH.

Be it enacted, &c., as follows:

Trustees to be
appointed.

SECTION 1. The offices of the trustees heretofore appointed under chapter forty-four of the Resolves of the

year eighteen hundred and fifty-one, and chapter twenty-six of the Resolves of the year eighteen hundred and sixty-one, relating to the Massachusetts School for Idiotic and Feeble-Minded Youth, shall cease and determine on the appointment of trustees under the provisions of this act.

SECTION 2. The governor shall with the advice and consent of the council appoint six persons to be trustees, on the part of the state, of the Massachusetts School for Idiotic and Feeble-Minded Youth, who shall hold their offices for three years: *provided*, that the terms of the six first appointed shall be so arranged that the terms of two shall expire in one year, two in two years, and two in three years; and the vacancies so arising, as well as all vacancies occurring otherwise in the office of trustees appointed under this act shall be filled by the governor, with the advice and consent of the council.

Appointments to be made by the governor.

Proviso.

SECTION 3. This act shall take effect on the first day of July next.

To take effect July 1, 1878.

Approved April 9, 1878.

AN ACT FIXING THE TIME AND PLACE OF HOLDING PROBATE COURTS
IN THE COUNTY OF SUFFOLK.

Chap. 127

Be it enacted, &c., as follows:

SECTION 1. The sessions of the probate court in the county of Suffolk shall be held at Boston every Monday in the year, except the second and fourth Mondays in the month of August.

Sessions of court in Boston.

SECTION 2. Chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-three is hereby repealed.

Repeal of 1873, 375.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1878.

AN ACT TO PROVIDE ADDITIONAL TERMS OF THE PROBATE COURT AT
FITCHBURG IN THE COUNTY OF WORCESTER.

Chap. 128

Be it enacted, &c., as follows:

SECTION 1. Hereafter terms of the probate court shall be held at Fitchburg in the county of Worcester on the fourth Tuesday of every month, except July and August, in each year.

Terms of court at Fitchburg.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

AN ACT IN RELATION TO THE INDEXES IN THE REGISTRY OF DEEDS
OF THE COUNTY OF SUFFOLK.

Chap. 129

Be it enacted, &c., as follows:

SECTION 1. The powers and duties of the aldermen of Boston under sections one hundred and three and one

Index commissioners to be

appointed by
justices of su-
perior court.

hundred and four of chapter seventeen of the General Statutes shall hereafter be exercised by a board of index commissioners who shall serve without pay. The justices of the superior court or a majority thereof shall appoint within one month from the time of the passage of this act, three such commissioners to hold office for the terms of one, two and three years respectively, beginning with the first day of April of the current year, and shall appoint annually thereafter during the month of March one such commissioner to hold office for the term of three years beginning with the first day of April following. In the performance of their duties said board shall not expend an amount in excess of the sum authorized by the board of aldermen of Boston. Any of said board of commissioners may be removed by the justices aforesaid for good cause shown, as provided for the removal of a register of deeds by section eighty-eight of said chapter; and in case of a vacancy in said board by reason of death, resignation or removal, it shall be filled by appointment by the justices aforesaid for the unexpired term.

Not to expend
amount in ex-
cess of sum
authorized.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 130

AN ACT RELATING TO FOREIGN INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Foreign compa-
nies, before in-
suring, to depos-
it with treasurer
not less than
amount requir-
ed as capital of
home companies
located in Bos-
ton.

SECTION 1. No foreign insurance company shall make contracts of insurance in this Commonwealth unless it shall have made a deposit with the treasurer of this Commonwealth, or with the proper officer of some other state of the United States, of a sum not less than the amount now required by law as the capital of like corporations organized in this Commonwealth, and located in the city of Boston. Such deposit may be made in the bonds of this Commonwealth, or in bonds of the state of Connecticut or New York, or in bonds or public stocks of the United States, in trust, for the benefit and security of all the policy-holders of the company in the United States; and no policy issued by such company to any citizen of this Commonwealth shall be invalidated by the occurrence of hostilities between the government of the United States and the government under the laws of which the company was organized.

Capital of for-
eign insurance
companies.

SECTION 2. The capital of every such foreign insurance company shall, for all the purposes of the insurance laws of this Commonwealth, be the aggregate value of its money or securities deposited as aforesaid, and all sums

loaned on real estate security in any state in the United States, in conformity with the laws of such state providing for the investment of the assets of insurance companies therein, and all other assets in the United States in which insurance companies organized under the laws of this Commonwealth may invest, provided such real estate securities and assets shall be held in the United States by trustees who are citizens of the United States, approved by the insurance commissioner, for the benefit of all its policyholders and creditors in the United States, after making the same deduction from such aggregate value for losses and liabilities in the United States, and for premiums upon risks therein not expired, as is authorized or required by the laws of this Commonwealth, or the regulations of its insurance department, with respect to insurance companies organized under the laws of this Commonwealth.

Securities to be held by trustees.

SECTION 3. The trustees referred to in the second section of this act shall be appointed by the directors of such company, and a certified copy of the vote by which they are appointed and of the deed of trust shall be filed in the office of the insurance commissioner; and he may examine such trustees or the agents of such company under oath, and its assets, books and accounts, in the same manner as he may examine the officers, agents, assets, books and accounts of any company authorized to do insurance business in this Commonwealth.

Trustees to be appointed by directors.

SECTION 4. No foreign insurance company or agent thereof, shall transact the business of insurance in this Commonwealth, until such company shall comply with the general laws of this Commonwealth relative to insurance companies of other states, so far as the same may be applicable thereto, and receive a license or certificate of authority from the insurance commissioner.

Not to do business until requirements of law have been complied with.

SECTION 5. No foreign insurance company shall take or have at risk in any fire district in this Commonwealth, (as defined in section eighteen of chapter three hundred and seventy-five of the acts of the year eighteen hundred and seventy-two,) an amount exceeding its net assets in the United States, which are immediately available for the payment of losses in this Commonwealth.

Limitation of risks in any one fire district.

SECTION 6. When such foreign insurance company shall have complied with the provisions of law relating to such companies, and the insurance commissioner is satisfied that it is solvent in the United States, he may issue to it a license; and thereupon the company shall be authorized to transact business in this Commonwealth, subject to

License may be issued by insurance commissioner.

the provisions of all general laws which are or may be in force relating to insurance companies of other states of the United States doing business in this Commonwealth.

"Foreign insurance company," defined.

SECTION 7. The words "foreign insurance company" in this act shall apply to any insurance company, corporation, association or partnership, incorporated or associated under the laws of any government or state other than one of the United States.

SECTION 8. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 131 AN ACT CONCERNING PLANTATIONS OF TIMBER TREES, AND THE TAX THEREON.

Be it enacted, &c., as follows:

New plantations of timber trees to be exempt from taxation for ten years.

SECTION 1. All plantations of timber trees in this Commonwealth upon land (not at the time of said planting woodland or sprout-land, and not having been such within five years previously), the actual value of which at the time of planting does not exceed fifteen dollars per acre, of any of the following kinds, to wit: chestnut, hickory, white ash, white oak, sugar maple, European larch and white pine, in number not less than two thousand trees to the acre, shall together with the land upon which the same are situated be exempt from taxation for a period of ten years from and after said trees shall have grown in height four feet on the average subsequently to such planting: *provided*, that said exemption shall not extend beyond such time as said land shall be devoted exclusively to the growth of said trees; and *provided, further*, that the owner or owners of such plantations shall appear before the board of assessors in the towns where the same are located and prove to the satisfaction of such board the herein mentioned conditions.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 132 AN ACT TO PREVENT OVER-INSURANCE, AND TO DEFINE TO WHOM PAYMENT OF LOSSES SHALL BE MADE IN CERTAIN CASES.

Be it enacted, &c., as follows:

Companies not to insure in excess of value of property.

SECTION 1. No insurance company, local or foreign, shall knowingly issue any fire insurance policy upon property within this Commonwealth for an amount which together with any existing policy or policies shall exceed the fair value of the property.

SECTION 2. In case of loss upon any property hereafter insured within the terms of the fire insurance policies

thereon, all such insurers thereof upon the proper presentation of proofs by the claimants in accordance with the provisions of the policy, together with an authentic statement of the title, showing the rights and interests of all parties therein, shall pay all mortgages expressly protected by any policies taken out in the name of the mortgagor, in the order of their priority to the extent of their respective policies or interests in their respective mortgage claims, before the owner of the equity of redemption in said property shall receive any thing; but the provisions of this section shall not enlarge the amount which any insurance company would otherwise pay on account of any loss, and any payment so made by any such company under its policy in accordance with the provisions of this act, whether to the person named in the policy or not, shall be deemed and taken to be in payment and satisfaction of the liability of such company under its policy to the full extent of such payment.

Payment of mortgages protected by policies.

SECTION 3. The insurance commissioner shall within thirty days from the passage of this act forward by mail a copy of this act to every insurance company lawfully doing a fire insurance business in this Commonwealth. And this act shall take full effect on the first day of September next.

Commissioner to furnish insurance companies with copy of this act.

Approved April 9, 1878.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-NINE OF THE GENERAL STATUTES IN RELATION TO AIDING CONVICTS TO ESCAPE FROM THE STATE PRISON.

Chap. 133

Be it enacted, &c., as follows:

SECTION 1. Section fifty-eight of chapter one hundred and seventy-nine of the General Statutes is hereby amended by striking out the word "two," in the last line, and inserting instead thereof the word "three."

Illicit conveyance of articles into prisons.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

AN ACT PROVIDING THAT SELECTMEN MAY MEASURE PONDS UNDER CHAPTER EIGHTY-TWO OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED SEVENTY-FOUR.

Chap. 134

Be it enacted, &c., as follows:

SECTION 1. For the purposes required by chapter eighty-two of the acts of the year eighteen hundred and seventy-four, selectmen may measure ponds wholly within their respective towns, in the manner referred to in said chapter eighty-two.

Measurement of ponds by selectmen.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1878.

Chap. 135 AN ACT CONCERNING THE RECORDS OF LOCATIONS OF RAILROADS.*Be it enacted, &c., as follows :*

Commissioners
to examine rec-
ords of locations
of railroads.

SECTION 1. The board of railroad commissioners is hereby authorized and required to examine the records of locations of railroads on file in the offices of the clerks of county commissioners; and when such records are found to be incomplete or insufficient, or in form inconvenient for reference or preservation, they shall notify the corporation owning or operating the railroad of which the location so appears to be incomplete or insufficient or inconvenient; and thereupon the said corporation may, within one year from the date of receiving such notice, file in the manner hereinafter prescribed, a new location of such railroad or any part thereof as the same is actually laid out and constructed, so far as may be necessary to make a true and correct record of the actual location of such railroad as the same existed on the first day of January eighteen hundred and seventy-eight. Where such original records appear to be sufficient and in conformity with law, such fact shall be certified thereon by the clerk of the board of railroad commissioners in the manner prescribed in this act in the case of records of new locations.

To prescribe
rules in regard
to form in which
record shall be
made.

SECTION 2. The board of railroad commissioners shall prescribe such rules as they may from time to time deem necessary in regard to the form in which all records of locations of railroads required by law or permitted by this act shall be made, the data to be contained therein and the manner in which such records shall be uniformly kept for preservation and convenient reference in the offices of the clerks of county commissioners of the several counties. No such record shall hereafter be filed until the clerk of the board of railroad commissioners shall certify thereon that the same is prepared in conformity with the rules established by the board.

Notice of filing
new location to
be published in
such newspaper
as the commis-
sioners design-
ate.

SECTION 3. Public notice of the filing of any new location under the provisions of section one of this act shall be given by advertisement in such newspaper as the board of railroad commissioners shall designate; and the filing of such a location by a railroad corporation shall not be a waiver of or impair any rights it had at the time of the filing thereof, nor shall it thereby acquire any right in lands not actually in its possession and used for railroad purposes on said first day of January eighteen hundred and seventy-eight.

Approved April 9, 1878.

AN ACT CONCERNING STREET RAILWAYS IN THE CITY OF BOSTON.

Chap. 136

Be it enacted, &c., as follows:

SECTION 1. Package tickets issued by any street railway corporation in the usual form of tickets sold by such corporation, and good for a fare not exceeding six cents, upon its route from any point in the city of Boston to any other point in said city, in a car run therein by said corporation, shall be received as good for a passage between any two points in said city, by any other street railway corporation, in any car wherein a fare not exceeding six cents is receivable: and every such corporation shall once in a week redeem all such tickets issued by it, which shall be presented by any other such corporation, by paying therefor at the rate of five cents in money for each ticket so presented.

Tickets, good for a six cent fare in the city, issued by any railroad to be received by other roads.

Tickets to be redeemed weekly.

SECTION 2. Any street railway corporation refusing to receive, as above provided, any such ticket issued by any other such corporation, or refusing to redeem as above provided, any such ticket of its own issue, shall forfeit for each ticket which it shall so refuse, the sum of one dollar, to be recovered, in an action of tort by the person or corporation presenting the same, to his or its own use.

Penalty for refusing to receive ticket.

Approved April 10, 1878.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-THREE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SEVEN, ENTITLED "AN ACT TO INCORPORATE THE FIDELITY ASSURANCE COMPANY OF MASSACHUSETTS."

Chap. 137

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter one hundred and fifty-three of the acts of the year eighteen hundred and seventy-seven, is hereby amended by striking out in the second line the word "five," and inserting instead thereof the word "three."

Capital stock, \$300,000.

SECTION 2. Section three of said act is hereby amended by adding after the word "states," in the fifth line, the words, "to the state of Massachusetts;."

Surety on bond to the State.

SECTION 3. Section five of said act is amended so that it shall read as follows, to wit: — After deducting from the earnings of the company (no part of the premiums received on risks not terminated being considered earnings), and from the income of its invested funds such an amount as shall have been required for the costs of management, and for such dividends, not exceeding ten per centum per annum on the capital stock as the directors may determine upon, the residue shall be annually set apart for the pur-

Reserved fund for payment of losses to be set apart.

Reserved fund
to be equal to
one-half of cap-
ital.

Provisos.

Earnings from
probate risks.

pose of constituting a reserved fund for the payment of losses, until the said reserved fund shall equal one-half the amount of the capital stock paid in; and in case the reserved fund shall ever be impaired it shall be made up to the full amount in the manner originally provided, and the said capital stock shall in no case be impaired or diminished until said reserved fund shall have been exhausted: *provided*, that whenever the said reserved fund shall equal one-half the amount of the capital stock paid in, the earnings of the company over and above the aforesaid dividend of ten per centum per annum, and the contribution required to keep the said reserved fund entire, may thereafter be divided among the stockholders pro rata in certificates of such portions of its actual surplus as the company may from time to time determine, which shall be deemed to be an increase of its capital stock to the extent of such new certificates so issued; but no such dividend either in cash or stock certificates shall be made, except from actual surplus funds of the company, such surplus to be computed in the manner herein set forth; and *provided, also*, that in closing up the affairs of said company the amount then standing to the credit of said reserved fund shall be divided among the stockholders in proportion to their respective shares.

SECTION 4. At the end of each and every second year from the date of every probate risk undertaken by said company, one-third part of the premium received therefor may be considered and treated as earnings.

SECTION 5. This act shall take effect upon its passage.

Approved April 10, 1878.

Chap. 138 AN ACT TO AUTHORIZE THE FRAMINGHAM AND LOWELL RAILROAD COMPANY TO ISSUE PREFERRED STOCK.

Be it enacted, &c., as follows:

Preferred stock,
\$525,000.

SECTION 1. The Framingham and Lowell Railroad Company is hereby authorized to issue preferred stock to an amount not exceeding five thousand two hundred and fifty shares, of one hundred dollars each.

Creditors may
take stock at
par.

SECTION 2. Holders of the coupon notes, and other creditors of said company, shall have the right to take said stock at par in payment of their respective claims; and the holders of the common stock of said company may, at any time within four months from the acceptance of this act, surrender the whole or any part of their said stock in amounts of not less than five shares, and shall receive in

Five shares of
common stock

exchange for each and every five shares so surrendered one share of the preferred stock authorized by this act.

to equal one of preferred.

SECTION 3. Said preferred stock shall entitle the holder thereof to be paid dividends thereon semi-annually, in preference and priority to any dividends to be made to the holders of the common stock of said company, at such rate as the net earnings and income of said company for the six months preceding the declaring of such dividend, after paying interest on the debt of the company, shall be sufficient to pay; not exceeding, however, the sum of three per centum semi-annually.

Dividends on preferred stock.

SECTION 4. This act shall take effect from and after its acceptance by the company by a majority vote of all the shares present and voting, at a legal meeting to be called for the purpose at any time after the passage of this act.

Subject to acceptance by a majority vote.

Approved April 13, 1878.

AN ACT TO INCORPORATE THE ASHBURNHAM RAILROAD COMPANY, WITH AUTHORITY TO PURCHASE AND OPERATE THE ASHBURNHAM RAILROAD IN THE TOWN OF ASHBURNHAM.

Chap. 139

Be it enacted, &c., as follows:

SECTION 1. William H. Morse, A. George Bullock, George C. Winchester, John H. Wilkins, George W. Eddy and their associates and successors, are hereby made a corporation by the name of "The Ashburnham Railroad Company," with the same powers and privileges, and subject to the same restrictions, duties and liabilities, as if formed and organized under the general laws relating to railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may purchase, acquire and hold the railroad and all the franchises and property which were mortgaged by the Ashburnham Railroad Company, a railroad corporation organized under chapter two hundred and fifty-one of the acts of the year eighteen hundred and seventy-one, to Melvin O. Adams, Simeon Merritt and George C. Foster, trustees, and sold by said trustees for the purpose of foreclosure; and the corporation hereby created shall be deemed to be lawfully possessed as of its own property, of the railroad, franchises and property aforesaid, upon receiving a conveyance thereof from the purchaser or purchasers of the same; and said corporation may maintain and operate said railroad, and shall have and possess all the powers, privileges and franchises which have heretofore been granted to said Ashburnham Railroad Company organized under said act of the year eighteen hundred and seventy-one, chapter two hundred and fifty-one.

May purchase Ashburnham Railroad.

Capital stock
not to exceed
\$30,000.

SECTION 3. The capital stock of the corporation hereby created shall be fixed by the directors, and shall not exceed thirty thousand dollars; and said corporation may issue its stock or its bonds, secured by a mortgage of its road, franchise and property, at par, in payment for the railroad, franchises and property which by this act it is authorized to acquire and purchase; and said corporation shall have the same power to increase its capital stock as if organized under the general laws.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1878.

Chap. 140 AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY
OF NEW BEDFORD.

Be it enacted, &c., as follows:

May take waters
from Long Pond
and Quittacus
Pond.

SECTION 1. The city of New Bedford is hereby authorized to take and hold, and convey into the reservoir of the New Bedford water works, in the town of Acushnet, for the use of said city, in the same manner and for the same purposes as the waters of said reservoir are or may be now used by law, the waters of Long Pond in the towns of Lakeville and Freetown or of Little Quittacus Pond in the towns of Lakeville and Rochester: and it is further authorized to take and hold, by purchase or otherwise, such lands as may be necessary for the laying out and maintaining an aqueduct or conduit for conducting said waters to said reservoir; and may take and hold such lands on each side of said aqueduct or conduit as may be deemed necessary or prudent, not exceeding two and a half rods on either side.

May take and
hold lands.

To file in regis-
try of deeds a
description of
the land taken.

SECTION 2. Said city shall within sixty days from the time of taking any lands aforesaid, file in the registry of deeds for the county or district in which said lands lie, a description thereof, sufficiently accurate for identification, and a statement of the purposes for which said lands are taken; and thereafter the title of all lands so taken shall vest in said city. Any person injured in his property under this act, and failing to agree with said city as to the amount of damages, may have the same assessed and determined in the same manner as provided in the act of eighteen hundred and sixty-three, chapter one hundred and sixty-three, entitled "An Act to supply the city of New Bedford with pure water."

If Taunton
erects dam at
Assawampsett
Pond, commis-
sioners shall de-

SECTION 3. If at any time the city of Taunton shall take its water supply or any portion thereof from Assawampsett Pond, and shall erect the dam provided for in chapter two hundred and seventeen of the acts of the year

one thousand eight hundred and seventy-five, the supreme judicial court, or any justice thereof, upon application of the city of Taunton, shall appoint a board of three commissioners, no one of whom shall be a citizen of the city of Taunton or of the city of New Bedford; and said commissioners after having been sworn to the faithful and impartial discharge of their duties shall, after notice to both cities and a hearing, determine and decree what proportion if any, of the expense of the construction and maintenance of said dam and of the damages caused by the erection thereof, should be borne by the city of New Bedford, and shall assess the same accordingly, and shall determine the manner in which the same shall be borne. In making their determination said commissioners shall not consider the priority of use of said waters by either of said cities, but shall consider all other circumstances, which in their opinion may affect the proportion in which the expense of said construction, maintenance and damages should be borne. They shall also determine how the costs of said proceedings shall be borne by said cities. The determination and decree of said board of commissioners, or that of a majority of them, shall be made in writing, and be reported to said court, and shall be subject to revision by said court. Said report, being accepted by said court, shall be binding upon both said cities.

termine amount
to be paid by
New Bedford.

Commissioners'
report when ac-
cepted by court
to be binding.

SECTION 4. The provisions of sections twelve and thirteen of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three shall apply to all lands and water purchased or taken, and to works constructed, under this act.

Provisions of
1863, 163, §§ 12,
13 to apply.

SECTION 5. This act shall take effect upon its passage.

Approved April 13, 1878.

AN ACT TO ENABLE MUTUAL FIRE INSURANCE COMPANIES WITH
A GUARANTEE CAPITAL TO ISSUE POLICIES ON THE JOINT STOCK
PLAN.

Chap. 141

Be it enacted, &c., as follows:

SECTION 1. Mutual fire insurance companies organized or incorporated under the laws of this Commonwealth, with a guarantee capital of not less than two hundred thousand dollars, may, subject to the provisions of this act, issue policies on the joint stock plan. Such policies shall not be liable to assessment, nor entitled to participate in profits, and persons insured by such policies shall not by reason thereof be members of the company.

May issue poli-
cies upon the
joint stock plan.

SECTION 2. Separate accounts shall be kept of the

Separate accounts to be kept of the stock and mutual departments.

business of the stock and mutual departments, and of the receipts and expenditures in each. The general expenses of such companies, including therein the annual cost of the guarantee capital, which cost shall be deemed to be the difference between the net amount earned by the capital and the dividends upon such capital now authorized by law, shall be apportioned between the two departments in the ratio of the premiums written in each. The mutual policy holders shall not be entitled to participate in the profits of the stock department, nor shall they be liable to assessment to repair any deficiency in the guarantee capital arising from losses in said department; but such deficiency shall be repaired from the reserve fund of said department, and if said fund is not sufficient therefor, by the shareholders in the manner provided by law in the case of joint stock fire insurance companies.

Reserve fund.

SECTION 3. One-fourth of the net profits of the stock department, after providing for all expenses, losses and liabilities, including a sum equal to the amount of the unearned premiums upon all outstanding risks in said department, shall be invested as a reserve fund for the security of the insured, and for repairing the guarantee capital as aforesaid, until such fund is equal to fifty per centum of the guarantee capital. The remaining net profits of said department may be divided among the shareholders: *provided*, that the whole amount of dividends to shareholders, including those now authorized by law, shall not exceed ten per centum a year; and if such dividends are less than ten per centum in a year, after the passage of this act, the same may be made up when the net profits and income become sufficient therefor.

Profits to be divided among shareholders.

Subject to acceptance by a majority vote.

SECTION 4. The provisions of this act shall not apply to any mutual fire insurance company with a guarantee capital, unless the same shall have been accepted by a majority of the members of such company present and voting thereon at a meeting legally called for such purpose. Whenever any insurance company shall have accepted the provisions of this act as before provided, the officers shall forthwith notify the insurance commissioner, who shall examine the records of the company, and if the same are found to be in conformity with the law, shall issue his certificate to that effect; and thereupon the company shall be authorized to issue policies upon the joint stock plan. The fee for such certificate shall be ten dollars, which sum shall be collected and paid into the treasury of this Commonwealth by the insurance commissioner. All policies issued by any com-

Insurance commissioner to be notified upon acceptance of act.

pany which has adopted the provisions of this act, shall state definitely to which class or department the same belong, and also that the company transacts both a mutual and stock business.

SECTION 5. This act shall take effect upon its passage.

Approved April 13, 1878.

AN ACT RELATIVE TO THE PAYMENT OF WITNESSES IN CRIMINAL PROCEEDINGS BEFORE POLICE, DISTRICT AND MUNICIPAL COURTS.

Chap. 142

Be it enacted, &c., as follows:

Upon and after the termination of any criminal proceeding before any police, district or municipal court, whether by appeal or otherwise, the justice of said court or the clerk may, under the direction of the court, pay to the witnesses for the Commonwealth in such proceeding their fees, and shall take receipts for all fees so paid; and such receipts shall be vouchers for their respective amounts in the hands of said justice or clerk, and shall be allowed to him as paid in any settlement made by him with the county treasurer now required by law.

Fees may be paid to witnesses under direction of the court.

Approved April 13, 1878.

AN ACT TO INCORPORATE THE TOWN OF NORTH ADAMS.

Chap. 143

Be it enacted, &c., as follows:

SECTION 1. All the territory now within the town of Adams in the county of Berkshire, comprised within the following limits, that is to say: — Beginning at the north-west corner of said town of Adams, thence south seventy-seven degrees fifteen minutes east on the line of the town of Clarksburg, sixteen hundred and thirty-three rods to the west line of the town of Florida; thence south twelve degrees forty-five minutes west on said line of Florida, twelve hundred and four rods to the "Old Military Line," so called; thence north seventy-seven degrees fifteen minutes west near said military line, and parallel with the south line of Clarksburg, sixteen hundred and thirty-three rods to the east line of the town of Williamstown; thence north twelve degrees forty-five minutes east on the line of the town of Williamstown, twelve hundred and four rods to the place of beginning, — is hereby incorporated into a town by the name of North Adams; and said town of North Adams is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Town of North Adams incorporated.

Territorial limits.

Assessment and
payment of tax-
es.

SECTION 2. The inhabitants of said town of North Adams shall pay all taxes which have been legally assessed upon them by said town of Adams; and all taxes heretofore assessed as aforesaid upon them, and upon property within the limits of North Adams, and not collected, shall be collected and paid over by the collector of taxes of said town of North Adams to the treasurer of the town of North Adams, in the manner provided by law. The assessors of North Adams shall have power to abate any of said unpaid taxes for any of the causes for which the assessors of towns may now abate taxes. Until the next state valuation the proportion of state and county taxes to be assessed upon the towns of Adams and North Adams shall be ascertained and determined by the valuation of said town of Adams in the year one thousand eight hundred and seventy-five. The assessors of North Adams shall make return of such valuation and of the proportion thereof in each of the towns of Adams and North Adams, to the secretary of the Commonwealth and to the county commissioners for the county of Berkshire.

Liability for
support of pau-
pers.

SECTION 3. The towns of Adams and North Adams shall be respectively liable for the support of all persons who do now, or shall hereafter, stand in need of relief as paupers, whose settlements were gained, whether by original acquisition or derivation, within their respective limits. Said town of North Adams shall pay annually to the town of Adams two-thirds of the cost paid by the last-named town for the support or relief of paupers whose settlements were acquired in said town of Adams as heretofore constituted, in consequence of military services in the war of the rebellion: *provided*, that the person who rendered such military service was not at the time of his enlistment an inhabitant of said town of Adams as heretofore constituted.

Division of cor-
porate property
and debts.

SECTION 4. The corporate property belonging to said town of Adams at the time this act takes effect, including unpaid taxes and the public debts of said town existing at said date, shall be divided between the towns of Adams and North Adams according to the valuation of the property within their respective limits as assessed May first, one thousand eight hundred and seventy-seven; and the towns of Adams and North Adams shall receive the same proportionate part of whatever amount may hereafter be refunded to the town of Adams from the state or the United States to reimburse said town of Adams for bounties to soldiers, or state aid paid to soldiers, or their fami-

lies, after deducting all reasonable expenses: *provided*, Providso. that all debts and liabilities which the town of Adams has incurred for and on account of the North Adams fire district shall be assumed by the town of North Adams; and all debts and liabilities which the town of Adams has incurred for and on account of the South Adams fire district shall be assumed by the town of Adams as hereby constituted; and *provided, further*, that the town of North Adams may at its option pay its proportion of the indebtedness of the town of Adams, as heretofore constituted, directly to the owners or holders of the said town's bonds or scrip. The town of North Adams shall contribute towards the payment of any amount recovered against the town of Adams in any suit now pending upon the basis of division of public property and debts as herein provided.

SECTION 5. In case the towns of Adams and North Adams shall not agree in respect to a division of property, unpaid taxes, debts, state or county taxes, or the support of paupers, the superior court for the county of Berkshire shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon; and their award, or the award of any two of them, being accepted by said court, shall be final. In making said award said commissioners shall assign the real estate belonging to said town of Adams at the time this act takes effect, to the town in which said estate is situated, so far as such provision shall be practicable. The expense of surveying and establishing the line between Adams and North Adams shall be borne equally by said towns.

If towns fail to agree, court to appoint commissioners.

SECTION 6. The said town of North Adams, until otherwise provided by law, shall continue to be a part of the eleventh congressional district, of the eighth councilor district, of the north Berkshire senatorial district, of the second Berkshire representative district, and of the judicial district of the district court of northern Berkshire; and the voters of said town of North Adams shall vote for state and county officers, for members of the council, for representatives to congress, and for senators and representatives to the general court, in said town of North Adams, at meetings to be legally called for that purpose; and the clerks of the towns of Adams and North Adams shall make returns, and shall meet at the office of the town clerk in the town of North Adams for the purpose of ascertaining the result of the election of repre-

Election of state and national officers.

sentatives to the general court in said second Berkshire district, and making certificates of the same, according to the provisions of chapter eight of the General Statutes and the acts in amendment thereof.

First meeting
for election of
officers.

SECTION 7. Any justice of the peace within and for the county of Berkshire, as soon as this act shall take effect, may issue his warrant, directed to any inhabitant of said town of North Adams, requiring him to notify and warn the inhabitants of such town, qualified to vote in town affairs, to meet at the time and place appointed therein, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and for any of the purposes for which annual town meetings may now be held; and said warrant shall be served by publishing a copy thereof in some newspaper published in the town of North Adams four days at least prior to said meeting, and by posting up copies thereof, attested by the person to whom the same is directed, in three public places in said town of North Adams, seven days at least before the time of meeting. The selectmen of the town of Adams shall before said meeting prepare a list of voters in said town of North Adams, qualified to vote in town affairs, and deliver the same to the person presiding at said meeting before the choice of a moderator thereof. Such justice, or in his absence such inhabitant, required to notify the meetings, shall preside until the choice of a moderator in said town.

Records of
Adams, as heretofore
constituted, to be kept in
North Adams.

SECTION 8. The records, files and papers of said town of Adams as heretofore constituted, severally required to be kept in the offices of the town clerk, selectmen, assessors, or treasurer, shall hereafter be deposited and kept in the respective offices of town clerk, selectmen, treasurer, and assessors of the town of North Adams, and shall at all proper times be open to the inspection of the officers of the town of Adams; and certified copies of any such records, files and papers in the office of the town clerk of North Adams, under the hand of the town clerk of the town of North Adams shall have the same force and effect, and be entitled to the same credit, as though certified and under the hand of the clerk of the town of Adams.

Money in treasury to be applied to the purposes for which raised.

SECTION 9. All money now in the treasury of said town of Adams, or which may, after the passage of this act, be received into the treasury of the town of Adams or North Adams, respectively, from taxes assessed, or directed

to be assessed, shall be applied by each town to the purposes for which it was raised and assessed.

SECTION 10. This act shall take effect upon its passage.

Approved April 16, 1878.

AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO BORROW MONEY FOR THE PURPOSE OF CONSTRUCTING A JAIL AND HOUSE OF CORRECTION, AND FOR OTHER PURPOSES.

Chap. 144

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Barnstable are hereby authorized and empowered to borrow, upon the credit of said county, a sum not exceeding twenty thousand dollars, for the purpose of constructing a county jail and house of correction in said county, and making necessary alterations and repairs in the court house in the town of Barnstable.

May borrow money for construction of jail and house of correction.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1878.

AN ACT CONCERNING THE CONTINUANCE OF CASES NISI IN THE SUPERIOR COURT.

Chap. 145

Be it enacted, &c., as follows:

SECTION 1. If an action is continued *nisi* from any term of the superior court, and is determined by the court before the next term in the same county, the judgment by order of the court on the motion or at the request of the party prevailing, may be entered as of the then last term of the court in the county where the action is pending: *provided, however*, that nothing herein contained shall be construed to take away from the superior court any power now possessed by it.

Action continued nisi, and determined by court before the next term; entry of judgment.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1878.

AN ACT TO REPEAL SECTIONS SEVENTY-SIX AND SEVENTY-SEVEN OF CHAPTER FORTY-NINE OF THE GENERAL STATUTES CONCERNING PRESSED HAY AND STRAW.

Chap. 146

Be it enacted, &c., as follows:

SECTION 1. Sections seventy-six and seventy-seven of chapter forty-nine of the General Statutes are hereby repealed.

Repeal of G. S. 49, §§76, 77.

SECTION 2. This act shall take effect upon its passage.

Approved April 16, 1878.

Chap. 147 AN ACT CONCERNING SEWERS AND DRAINS IN THE CITY OF
NEWTON.

Be it enacted, &c., as follows:

May take land
and streams for
purposes of
drainage.

SECTION 1. The board of aldermen of the city of Newton may, for the purposes of sewerage and drainage, take and use any streams or water-courses within the limits of said city, or take and divert the waters thereof, and devote the same to the purposes aforesaid; and may take all necessary land to alter, widen, deepen or straighten the channel of said water-courses, and remove obstructions therefrom, and may use and appropriate them, and cover, pave and enclose them in retaining walls.

Recovery of
damages.

SECTION 2. In taking said water-courses or lands for the purposes aforesaid, the said board of aldermen shall proceed in the manner required by law in cases where land is taken for highways; and persons suffering damages in their property shall have the same rights and remedies for the ascertainment and recovery of such damages as are provided by law for the ascertainment and recovery of damages for lands taken for townways in said Newton.

SECTION 3. This act shall take effect upon its passage.

Approved April 17, 1878.

Chap. 148 AN ACT TO INCORPORATE THE BOARD OF AID TO LAND-OWNER-
SHIP.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Franklin W. Smith, Leverett Saltonstall, George L. Ward, Edward Whitney and Robert Treat Paine, Jun., their associates and successors, are hereby made a corporation under the name of "The Board of Aid to Land-Ownership," for the purpose of aiding emigrants and others to settle in colonies or otherwise, and to acquire and improve land in the western and southern states; and for this purpose they shall have all the powers set forth in chapter sixty-eight of the General Statutes and in other general laws relative to such corporations.

Capital stock
not to exceed
\$250,000.

SECTION 2. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and the corporation shall not commence the transaction of business until fifty thousand dollars have been paid in in cash.

May hold real
estate in other
states.

SECTION 3. This corporation may hold real estate in any state or territory in the United States, subject to the laws of such state or territory, and the amount held

in Massachusetts shall not exceed fifty thousand dollars in value.

SECTION 4. For the purposes of taxation this corporation shall be subject to the provisions of the third, fourth and fifth sections of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five.

Taxation.

SECTION 5. The charter of this corporation shall expire at the end of twenty years from the passage of this act.

Limited to twenty years.

SECTION 6. This act shall take effect upon its passage.

Approved April 17, 1878.

AN ACT TO INCORPORATE THE STATES UNION TELEGRAPH AND TELEPHONE COMPANY.

Chap. 149

Be it enacted, &c., as follows:

SECTION 1. Erastus P. Carpenter, Chester Snow, Thomas Wallace, Joseph K. Baker, Joseph W. Stover, their associates and successors, are hereby incorporated as the States Union Telegraph and Telephone Company, for the purpose of constructing, maintaining and operating a line or lines of telegraph in any part of the United States and Canada; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, except as herein otherwise expressly provided, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall be one million dollars, all of which shall be paid in in cash before said corporation shall commence business; and said capital may be increased from time to time to an amount not exceeding the sum of ten million dollars.

Capital stock, \$1,000,000.

SECTION 3. The stockholders of said company shall at a meeting duly called for that purpose elect twenty-five trustees who shall be stockholders, to hold their office, five for five years, five for four years, five for three years, five for two years, and five for one year; and thereafter at each annual meeting five trustees shall be chosen for the term of five years. Said trustees shall annually elect a president, clerk, treasurer and five directors of said company, in whom shall be vested the powers and duties usually exercised by such officers.

Twenty-five trustees to be elected.

SECTION 4. The franchise, charter or any portion of the telegraph line of said corporation shall not be leased, sold or offered for sale or leased to any existing company,

Franchise not to be leased or sold.

or to any person or association of persons, without the consent of the legislature; and any contract made contrary to the provisions of this act shall be void.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1878.

Chap. 150 AN ACT TO AUTHORIZE THE OLD COLONY RAILROAD COMPANY TO PURCHASE THE RAILROAD AND FRANCHISES OF THE DUXBURY AND COHASSET RAILROAD COMPANY.

Be it enacted, &c., as follows:

May purchase rights and franchises of Duxbury and Cohasset Railroad.

SECTION 1. The Old Colony Railroad Company is authorized to purchase the rights, franchises and property of the Duxbury and Cohasset Railroad Company; and the said Duxbury and Cohasset Railroad Company is authorized to convey and assign to the said Old Colony Railroad Company its railroad franchises and property and all the rights, easements, privileges and powers heretofore granted to it; and the said Old Colony Railroad Company shall, upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of the Duxbury and Cohasset Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions to which said last named corporation may be subject: *provided, however*, that such purchase or sale shall not be valid unless agreed to by the directors of the first named corporation, and approved by two-thirds of the votes at a meeting of the stockholders of said last named corporation called for that purpose, and by the board of railroad commissioners.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1878.

Chap. 151 AN ACT IN RELATION TO THE TERMS OF THE SUPREME JUDICIAL COURT FOR THE COUNTIES OF NANTUCKET AND DUKES COUNTY.

Be it enacted, &c., as follows:

Matters before supreme judicial court in Nantucket or Dukes may be heard before court in Bristol county.

SECTION 1. All matters arising or pending in the counties of Nantucket or Dukes county, cognizable by the supreme judicial court, may be made returnable to, and entered, heard, tried and determined and have day in, any of the terms of said court held in the county of Bristol, in the same manner as like cases arising or pending in said county of Bristol.

Indictment for a capital crime to be transmitted to clerk of su-

SECTION 2. As soon as may be after the finding of an indictment for a capital crime in the county of Nantucket or in the county of Dukes county, the party charged, when in custody, shall be served with a copy thereof by the

sheriff or his deputy, with an order of the court notifying him that the indictment will be entered forthwith upon the docket of the supreme judicial court for the county of Bristol. The clerk of the superior court for the county in which such an indictment is found, shall forthwith, if the person accused is in custody, or if not, then immediately after his arrest, transmit the indictment to the clerk of the supreme judicial court in the county of Bristol; and it shall be entered at once in that court, whether it shall be transmitted during a term of the court or in vacation; and thereafter the same proceedings had therein as though the indictment had been originally found in the county of Bristol. The court may from time to time during the pendency of the indictment make such orders as may be proper regarding the place of confinement of the person accused: *provided*, that the expenses of his keeping shall in all cases be paid by the county in which the indictment is found.

supreme judicial
court in Bristol
county.

Place of confine-
ment of person
accused.

SECTION 3. At all terms of the supreme judicial court in the county of Bristol at which jurors are summoned to attend, there shall be summoned one juror, at least, from the county of Nantucket and four jurors at least from the county of Dukes county, the *venires* for which shall be issued by the clerk of the supreme judicial court in the county of Bristol. The cost of the travel and attendance of such jurors shall be paid by the counties from which they are summoned respectively. And for the trial of any indictment for a capital crime, which has been found and returned in the county of Nantucket or in the county of Dukes county, there shall be summoned from said counties respectively, such number of jurors, as any justice of the supreme judicial court, in term time or in vacation, may direct, the cost of the travel and attendance of which shall be paid as above provided.

Jurors to be
summoned from
Nantucket and
Dukes county.

Cost of travel
and attendance.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1878.

AN ACT GIVING TO THE SECOND DISTRICT COURT OF BRISTOL, AND THE THIRD DISTRICT COURT OF BRISTOL, CONCURRENT JURISDICTION IN THE TOWNS OF WESTPORT AND FREETOWN.

Chap. 152

Be it enacted, &c., as follows:

The Second District Court of Bristol and the Third District Court of Bristol shall hereafter have concurrent jurisdiction in the towns of Westport and Freetown in all matters civil and criminal, to the same extent that either of said courts now have in either of said towns.

Second and
third district
courts to have
concurrent ju-
risdiction in
Westport and
Freetown.

Approved April 17, 1878.

Chap. 153 AN ACT TO AUTHORIZE ASSOCIATIONS FOR RAISING CHOICE BREEDS OF DOMESTIC ANIMALS AND POULTRY.

Be it enacted, &c., as follows:

Associations for encouraging the raising of domestic animals, &c.

SECTION 1. Section two of chapter three hundred seventy-five of the acts of the year eighteen hundred and seventy-four is amended by adding after the word "yachting," the words "and for encouraging the raising of choice breeds of domestic animals and poultry."

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1878.

Chap. 154 AN ACT TO AMEND CHAPTERS NINETY-THREE, NINETY-FOUR, ONE HUNDRED, AND ONE HUNDRED AND NINE OF THE GENERAL STATUTES, RELATING TO THE BONDS OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Be it enacted, &c., as follows:

Conditions of bond given by executors and administrators.

SECTION 1. Section two of chapter ninety-three and section two of chapter ninety-four of the General Statutes are hereby amended by striking out the third clause in the condition of the bond named in each of said sections and inserting in place thereof the following; "Third. To render upon oath a just and true account of his administration at least once a year and at such other times as shall be required by said court, until his trust is fulfilled, unless excused therefrom in any year by the judge of probate."

Conditions of bond given by trustees and guardians.

SECTION 2. Section one of chapter one hundred, and section sixteen of chapter one hundred and nine of the General Statutes are hereby amended by striking out of the third clause in the condition of the bond named in said section one, all after the word "thereof," and by striking out of the same clause in the condition of the bond named in said section sixteen, all after the word "property" in the third line, and inserting in place thereof in each clause the words "at least once a year and at such other times as shall be required by said court until his trust is fulfilled, unless excused therefrom in any year by the judge of probate; and".

To take effect Sept. 1, 1878.

SECTION 3. This act shall take effect September first, eighteen hundred and seventy-eight.

Approved April 17, 1878.

Chap. 155 AN ACT TO EXTEND THE JURISDICTION OF TRIAL JUSTICES IN CERTAIN CRIMINAL CASES, — AMENDING CHAPTER SEVENTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-THREE.

Be it enacted, &c., as follows:

SECTION 1. Chapter seventy-eight of the acts of the

year eighteen hundred and sixty-three is hereby amended by inserting in the first section after the words "police courts," the words "and trial justices," and by inserting in the second section after the word "court," the words "or trial justice."

Concurrent jurisdiction with superior court.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1878.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENDITURES AUTHORIZED IN EIGHTEEN HUNDRED AND SEVENTY-SEVEN AND PREVIOUS YEARS.

Chap. 156

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid from the ordinary revenue, for the purposes specified herein, to wit:—

Appropriations.

For stationery ordered by the clerk of the house of representatives, forty-eight dollars and sixty cents.

Stationery, House of Representatives.

For stationery, printing, &c., ordered by the sergeant-at-arms, seventy-four dollars.

Stationery, Sergeant-at-arms.

For the compensation of the watchmen employed at the state-house, ninety-one dollars and eighty-six cents.

Watchmen.

For repairs, improvements and furniture at the state-house, seven hundred twenty dollars and fifty-five cents.

Repairs and furniture.

For contingent expenses of the executive council, three hundred thirty-nine dollars and seventy-five cents.

Executive council.

For stereotyping the supplement to the General Statutes, four hundred sixty-nine dollars and nine cents.

Supplement to General Statutes.

For militia compensation, a sum not exceeding two thousand two hundred dollars.

Militia compensation.

For transportation of the militia, a sum not exceeding two thousand and nine hundred dollars.

Transportation.

For military accounts, a sum not exceeding nine hundred dollars.

Military accounts.

For military and other expenses attending the centennial celebration at Bennington, a sum not exceeding two thousand six hundred sixteen dollars and forty-one cents.

Celebration at Bennington.

For the board and tuition of state beneficiaries in the asylums for the deaf and dumb, a sum not exceeding two thousand seven hundred thirty-one dollars and one cent.

Deaf and dumb.

For expenses incurred at the reformatory prison for women, two thousand nine hundred ninety-four dollars and two cents.

Prison for women.

For travelling expenses of the state detective force,

State detective force.

three thousand two hundred eighty-six dollars and one cent.

State primary school.

For expenses incurred at the state primary school at Monson, a sum not exceeding two thousand dollars.

Cattle diseases.

For expenses incurred by the commissioners on contagious diseases among cattle, forty-two dollars and sixty cents.

Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee, during the previous year, three hundred dollars.

Meadows in Provincetown and Truro.

For expenses incurred by the harbor commissioners in the purchase of meadows, flats, &c., at Provincetown and Truro, a sum not exceeding one hundred sixty-nine dollars and thirty-one cents.

Small items of expenditure.

For sundry small items of expenditure incurred in previous years, appropriations for which have been exhausted, or have reverted to the treasury, a sum not exceeding three hundred dollars.

Lunatic hospital at Danvers.

The appropriations made in chapter two hundred and forty-two of the acts of the year eighteen hundred and seventy-seven, for furnishing and maintaining the lunatic hospital at Danvers, are hereby made applicable to said purposes during the present year.

Reception of the president.

For expenses attending the reception of the president of the United States, one thousand two hundred fifty-one dollars and fifty-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1878.

Chap. 157 AN ACT IN RELATION TO MISREPRESENTATIONS IN APPLICATIONS FOR POLICIES OF FIRE AND LIFE INSURANCE.

Be it enacted, &c., as follows:

Misrepresentations not to be deemed material unless made with intent to deceive.

SECTION 1. No oral or written misrepresentation made in obtaining or securing a policy of fire or life insurance shall be deemed material, or defeat or avoid the policy, or prevent its attaching, unless such misrepresentation is made with actual intent to deceive, or unless the matter misrepresented increases the risk of loss.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1878.

Chap. 158 AN ACT CONCERNING SUITS UPON DEBTS, CLAIMS AND ASSETS SOLD OR ASSIGNED BY EXECUTORS AND ADMINISTRATORS.

Be it enacted, &c., as follows:

Suits upon claims sold or assigned by

SECTION 1. Section four of chapter ninety-eight of the General Statutes is hereby amended by adding thereto at

the end thereof, the following: "And all suits for the recovery of said debts, claims and assets, sold or assigned under license granted as aforesaid, shall be brought in the name of the purchasers. And such suits upon promissory notes signed in the presence of an attesting witness, shall not be barred by the provisions of chapter one hundred and fifty-five of the General Statutes, if they could have been maintained by such executor or administrator. The fact of sale, and of purchase by the plaintiff, shall be set forth in the writ or declaration, and the defendant may avail himself of any matter of defence of which he could have availed himself in a suit brought by the executor or administrator. Costs in such suits shall be recovered by or against the plaintiff, and the executor or administrator shall not be liable therefor."

executors and administrators.
G. S. 98, § 4.

SECTION 2. This act shall take effect upon its passage.

Approved April 19, 1878.

AN ACT AUTHORIZING THE ESTABLISHMENT OF NAUTICAL SCHOOLS.

Be it enacted, &c., as follows:

The city council of any city and the inhabitants of any town may establish and maintain one or more schools for the purpose of training young men or boys in nautical duties, with the powers and subject to the provisions of law contained in chapter eighty-six of the laws of the year eighteen hundred and seventy-two, except that the school committee of such city or town may excuse boys attending such nautical schools from attendance on other schools. Such schools may be maintained upon shore, or upon ships or other vessels, at the option of the said school committee.

Chap. 159

Cities and towns may establish nautical schools.

Approved April 19, 1878.

AN ACT CONCERNING VAGRANTS.

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the chief of the state detective force to detect all persons who are deemed vagrants, under the provisions of section one of chapter two hundred and thirty-five of the acts of the year eighteen hundred and sixty-six, and to enforce or cause to be enforced against such persons the penalties provided by law.

Vagrants to be prosecuted by chief of state detective force.

SECTION 2. Said chief shall make to each legislature, early in January, a report of his doings under this act during the preceding year.

Report to the legislature.

SECTION 3. This act shall take effect upon its passage.

Approved April 19, 1878.

Chap. 160

Chap. 161 AN ACT TO INCORPORATE THE “FUSILIER VETERAN ASSOCIATION” OF THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John F. Pray, Albert E. Proctor, Alfred N. Proctor, Daniel Cooley, Andrew Gorham, William R. Wright, George Baird, Sidney A. Stetson, John McDonough, Robert H. Cloustan, James Quinn, Charles Jarvis, George T. Sears, Henry C. Miller and George G. Nichols, being past members of the military organization now existing, chartered May eleven, seventeen hundred and eighty-seven, and known as the “Independent Boston Fusiliers,” and such other persons being past members of said organization as may hereafter become associated with them, are hereby constituted a body corporate by the name of the “Fusilier Veteran Association,” having the privileges and subject to the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name.

Duties and liabilities.

Purpose.

SECTION 2. The object of this corporation shall be to perpetuate their connection with the corps, to institute a bond of fellowship and union between former and present companions in arms, to afford pecuniary relief to reduced and indigent members, their widows and children, and to preserve more fully the traditions and customs of the old corps.

May adopt constitution and by-laws.

SECTION 3. The said corporation shall have power to adopt a constitution and by-laws, containing rules and regulations for the admission of members, and their government; the election of officers, and prescribing their duties; the suspending and expelling of members; and for the safe keeping of its property and funds; and from time to time to alter or repeal such constitution, by-laws, rules and regulations.

Real and personal estate.

SECTION 4. The said corporation shall have power to hold property, real and personal, to an amount not exceeding twenty-five thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved April 19, 1878.

Chap. 162 AN ACT TO AUTHORIZE THE CITY OF SALEM TO CONSTRUCT A MAIN DRAIN OR SEWER IN THE NORTH RIVER.

Be it enacted, &c., as follows :

May construct a sewer with branches.

SECTION 1. For the purpose of taking and carrying away the waters of Tapley's, Goldthwait's or Proctor's Brooks, or their tributaries, and the sewage, drainage or pollution therein, and for the purpose of taking and carry

ing away the sewage of the city of Salem, said city is hereby authorized to construct a main drain or sewer, with as many branches as may from time to time be deemed necessary, from the line between said city of Salem and the town of Peabody, at or near the head of Frye's Millpond, running in a southerly and easterly direction along said millpond and the North River to some point below the North Bridge in said Salem, and to conduct and direct into said sewer the said brooks or either of them, or their tributaries, and any sewage, drainage or pollution which may be therein. Said sewer may be of the width of thirty feet, and may be walled in and covered in such manner as said city may see fit, or may be left as an open canal. Said sewer shall be substantially made with such materials and in such manner as the city council may direct, and shall be kept and maintained in good order by said city of Salem.

Sewer may be thirty feet in width.

SECTION 2. For the purposes aforesaid the city of Salem may take and hold, by purchase or otherwise, all the flats in said Frye's Millpond, and fill up the same; and may take by purchase or otherwise, any lands, real estate, franchises or water-rights, necessary for laying and maintaining said main sewer and its branches, or for the better carrying off of said waters.

May take flats in Frye's Millpond.

SECTION 3. The mayor of said city, within sixty days after the taking of any of the lands, real estate, franchises or water-rights as aforesaid, shall file in the registry of deeds for the county of Essex a description thereof sufficiently accurate for identifying the same.

Mayor to file in registry of deeds a description of the land taken.

SECTION 4. Said city of Salem shall be liable to pay all damages sustained by any persons or corporations in their property by the taking for such purpose of any land, water, water-rights, franchises or property, or by the constructing of said drain. If any person or corporation sustaining damage as aforesaid cannot agree with said city upon the amount of said damages, such person or corporation may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

Liability for damages.

SECTION 5. Wherever said main sewer or its branches shall intercept or cut off streams, drains or sewers, existing at the date of the passage of this act, said city of Salem shall connect the same with said main sewer or its branches, or make such other provision as not to destroy or unnecessarily injure the flow of the same; and shall make such provision, whether the flow of any such stream

Streams or drains intercepted, to be connected with new sewer.

shall be in its natural channel, or in any new or artificial channel which may be constructed for it by the town of Peabody or others.

Drainage in the town of Peabody

SECTION 6. Upon the establishment hereafter by the town of Peabody of a system of drainage or sewerage, whereby new or further drainage, sewage or pollution, shall be directed into said brooks or either of them, or their tributaries, and shall be carried through said main drain or sewer, the town of Peabody shall pay the city of Salem a reasonable compensation for conducting said new or further sewage, drainage or pollution, along said main drain to the outlet thereof; and if said town and city cannot agree upon the amount of said compensation, either party may petition the supreme judicial court for the appointment of a commission of three suitable persons, who shall hear the parties, and determine the compensation, if any, to be paid to the city of Salem. Such compensation may consist of a sum in gross or of a yearly payment, to be made to said city, as said commissioners or a majority of them shall decide, being subject to the revision of and being accepted by the supreme judicial court, shall be final, and judgment shall issue thereon.

Drainage not to be discharged into new sewer without permission.

SECTION 7. No corporation, person or persons shall hereafter discharge any sewage, drainage or pollution of any kind, into said main drain or any of the branches thereof, except as the same may come through said brooks or either of them, or their tributaries, without the permission of the said city of Salem: *provided, however*, that any such corporation, person or persons, may enter a drain or sewer into said main sewer or either of its branches, upon giving six months' notice of their desire to do so, and upon payment of a reasonable compensation to said city for the use of the same. The entry of any drain or sewer into said main drain or any of its branches, shall be made under the direction of the city of Salem, and subject to such reasonable rules and regulations as may be made by the city council thereof.

Proviso.

Penalty for injuring or obstructing sewer.

SECTION 8. If any town, corporation, person or persons shall contrary to the provisions of this act enter any drain or sewer, or conduct any sewage or drainage matter or pollution of any kind, into any drain or sewer constructed under the provisions of this act, or shall wantonly or maliciously injure or destroy or divert or obstruct any such drain or sewer, or destroy or injure any property owned or used by said city of Salem by the authority and for the purposes of this act, such town, corporation, per-

son or persons, shall forfeit and pay to said city of Salem three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action. Whoever wantonly or maliciously injures or destroys such drain or sewer, or destroys or injures any property owned or used by the said city of Salem by the authority or for the purposes of this act, may be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year.

SECTION 9. For the purpose of abating the nuisance in the city of Salem, in said Frye's Millpond, and in that part of the North River lying in Salem above North Bridge, and in certain portions of the south side of said city of Salem, the said city may from time to time purchase or otherwise take any or all of the flats lying in said Frye's Pond south of the dividing line between Salem and Peabody, and any or all of the flats in the said North River, lying in Salem above said bridge, or lying below said bridge, and southerly of the Essex Railroad and Eastern Railroad, and any flats lying in Palmer's Cove, so called, and in the dock lying on the eastern side of Lafayette Street, known as Bowker's Dock, and fill and raise the same to such grade as may be deemed necessary or expedient. Such city shall within sixty days from the time it shall take for such purpose said flats, or any of them, file in the office of the registry of deeds for the county of Essex a description of the flats so taken, as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act; which said description and statement shall be signed by the mayor of said city, and the title of all flats so taken shall vest in the city of Salem; and the same may be sold and conveyed by said city in such manner as the city council may determine; and if any party whose flats are taken shall agree with said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith.

May take land and flats for abatement of nuisance.

To file in the registry of deeds a description of the flats taken.

SECTION 10. Any person entitled to any estate or easement in any part of the lands so taken may, at any time within one year from the time when the same shall be taken, as well in his own behalf as in behalf of all other persons having estates or interest in lands or flats affected by the same taking, file a bill in equity in the supreme judicial court in the county of Essex, setting forth the taking of the complainant's flats by the said city, and whether the complainant claims any and what damages

Rights of parties having estates or easements in lands taken.

To file bill in equity in supreme judicial court.

against the said city of Salem for said taking, and praying an assessment of damages therefor. And upon the filing of such bill said court shall cause notice of the pendency of said bill to be given to all persons in whose behalf such bill shall be filed, to appear and become parties thereto, if they should see fit to do so. Said court shall prescribe how such notice shall be given, and what length of time shall be allowed for appearing and becoming a party to such suit. Any party failing so to appear shall be forever barred from recovering damages on account of such taking. Each person so appearing and becoming a party shall file a written description of the flats in which he claims an estate, together with a plan thereof, so as clearly to distinguish the same from all other lands, and shall also declare what estate he claims therein.

Court to appoint three commissioners.

SECTION 11. Upon the expiration of the time allowed for the appearance to the said bill, the said court shall appoint three commissioners, who shall receive such compensation as the said court shall fix, to be paid by the city of Salem. It shall be the duty of the said commissioners, after due notice, to hear each of the said parties, including the said city of Salem, and to assess and award the value at the time of the taking of each parcel of the said land, and of any easement claimed by any party so appearing, which shall be taken by said city. And the said commissioners shall make or cause to be made a survey of the lands of the complainant and other parties to such bill, and of all other lands adjacent and owned by other parties whose rights may be affected in determining the lines of such complainant's lands; and said commissioners shall determine the boundary lines of all such lands within said district, and report to the court the boundaries established for such owner of such lands, with a plan of the several portions of land within said district, showing the lines established for said owner; which plan, after its approval, shall by order of the court be recorded in the registry of deeds for the county of Essex. Said commissioners or the major part of them shall, within three months after said hearing, make report to the said court of their doings, and when requested by any party, of the evidence touching any exception intended to be taken by him.

Commissioners to cause a survey of the lands, and fix boundaries.

Parties aggrieved may apply for a jury.

SECTION 12. Any party aggrieved by any findings or doings of said commissioners may apply for a jury to revise the same, by petition to the supreme judicial court at the same term thereof at which said commissioners shall make their report, or at the next term thereof; and there-

upon said court shall order a trial by jury to be had at the bar of the court in the same manner in which trials are held in the superior court to assess the damages for the lands taken for the laying out of highways in the county of Essex. And any party aggrieved by any ruling of law made by said commissioners, or by said court, may except to said ruling, and have the exceptions heard and determined by the said court, sitting in banc, according to its course as a court of equity. The respective rights and remedies of persons having different or separate interests or estates in the same property as to the disposition of the damages awarded or agreed to under this act, and the manner of assessing damages for the taking of such property, shall be in all respects the same as they now are in the case of property taken for the laying out of highways.

Trial by jury.

SECTION 13. When it shall be finally determined what amount of damages any party is entitled to recover against the city of Salem, or any other party defendant, a separate decree shall be entered accordingly, and execution therefor shall be issued without regard to the pendency of the claims of any other party or parties.

When damage is ascertained, execution to issue.

SECTION 14. If any party shall apply for and obtain a trial by jury, he shall recover his legal costs after such application, if he shall recover a greater amount than the award of the commissioners with the accrued interest thereon; otherwise he shall be liable for the legal costs of the other party.

Costs, upon a trial by jury.

SECTION 15. Said court may make all orders and decrees necessary to carry into effect the intent of this act, and may at its discretion, at any stage of the proceedings, order a party to give security for the payment of damages or costs.

Court may make orders and decrees.

SECTION 16. All legal costs which shall accrue in the proceedings under this act, not otherwise provided for, shall be paid as the said court shall order.

Payment of costs.

SECTION 17. The city council of the city of Salem is hereby authorized to lay out, in the manner prescribed by the charter of said city, any street or way over any of the flats referred to in this act.

City may lay out streets over flats.

SECTION 18. The powers granted to the mayor and aldermen of said city by chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine are hereby so far extended as to enable said mayor and aldermen to lay, make and maintain drains and common sewers through or over the flats within the limits of said city.

May make and maintain drains.

"City of Salem
Sewerage Loan"
not to exceed
\$250,000.

SECTION 19. For the purpose of defraying the cost of constructing said main drain, and the cost of such franchises, property, lands, flats, water and water-rights as are taken, purchased or held for the purposes aforesaid, and of taking and filling flats as provided in section nine, the city council shall have authority to issue scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Salem Sewerage Loan," to an amount not exceeding in the whole the sum of two hundred and fifty thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually, and the principal to be payable at periods not more than twenty years from the time of issuing said scrip, notes, bonds or certificates respectively. Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

Sinking fund to
be established.

SECTION 20. There shall be set apart annually from the amount raised by the annual tax of said city a sum not less than five per cent. of the principal of the "City of Salem Sewerage Loan" as a sinking fund, and applied solely to the payment of the principal of said loan until the same is fully paid and discharged. Commissioners for said fund shall be elected in the manner provided for the election of commissioners of municipal sinking funds by section five of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five.

Commissioners
of sinking funds.

Subject to ac-
ceptance by a
two-thirds vote.

SECTION 21. This act shall take effect upon its acceptance by two-thirds of the voters of said city present and voting at meetings held simultaneously for the purpose in the several wards, on such day during the current year as shall be designated by the mayor and aldermen, upon notice of such meetings duly given at least seven days before the time of holding such meetings.

Approved April 19, 1878.

Chap. 163 AN ACT FOR THE PROTECTION OF THE SHORES AND BEACHES IN THE TOWNS OF HULL AND COHASSET.

Be it enacted, &c., as follows:

SECTION 1. Any person or corporation who shall take or remove from any of the shores or beaches in the town of Hull, or from any of the shores or beaches lying between the Black Rock house in the town of Cohasset and the new Pacific house in said Hull, any earth, sand, gravel, stones or other material of like nature now or hereafter

Sand and gravel
not to be taken
from shores and
beaches.

composing such shores or beaches, without the consent in writing of the board of harbor commissioners, shall for each offence forfeit and pay to the use of the Commonwealth a sum not less than twenty-five dollars and not exceeding two hundred dollars, or be punished by imprisonment in jail not exceeding two months.

Penalty.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved April 19, 1878.

AN ACT RELATING TO THE EXPENSE OF REBUILDING THURLOW'S BRIDGE IN NEWBURY. Chap. 164

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to allow from the treasury of said county to the town of Newbury, to indemnify it for the expense of rebuilding the bridge within the limits of said town over Parker River called Thurlow's Bridge, the sum of seven hundred dollars: *provided*, that upon view and hearing they are satisfied that said allowance is just and reasonable.

Commissioners may indemnify Newbury for rebuilding bridge.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1878.

AN ACT IN RELATION TO THE RECORDING AND REGISTERING OF BETS AND WAGERS, AND THE BUYING AND SELLING OF POOLS. Chap. 165

Be it enacted, &c., as follows:

Any person who shall keep any room or building, or any part or portion of any room or building, or occupy any place upon public or private grounds, anywhere within this Commonwealth, with apparatus, books or paraphernalia, for the purpose of recording or registering bets or wagers; or of buying or selling pools or what are commonly known as pools, upon the result of any trial or contest of skill, speed or endurance of man, beast, bird or machine; or upon the result of any game or competition; or upon the result of any political nomination, appointment or election; or, being such keeper or occupant, shall record or register such bets or wagers, or buy or sell such pools, or be concerned in the buying or selling of the same; or, being the owner, lessee or occupant of any room or building, or any part thereof, or private grounds, shall knowingly permit the same to be used or occupied for any of the purposes aforesaid; or shall therein keep, exhibit, use or employ, or knowingly permit to be kept, exhibited, used or employed, any device or apparatus for recording or registering such bets or wagers, or for buying or selling

Buying and selling of pools prohibited.

such pools; or any person who shall become the custodian or depositary, for hire, reward, commission or compensation, in any manner, of any pools, or of any money, property or thing of value, in any manner staked, wagered, or bet upon any such result aforesaid; shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the jail or house of correction not exceeding one year, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment. *Approved April 20, 1878.*

Penalties.

Chap. 166

AN ACT RELATING TO INSURANCE AGENTS AND BROKERS.

Be it enacted, &c., as follows:

Agent or broker to be held to be the agent of the company.

SECTION 1. Any insurance agent or broker who acts in negotiating a contract of insurance by any insurance company doing business within the Commonwealth, for any person other than himself, shall for the purpose of receiving the premium therefor, be held to be the agent of such company, any thing in the policy or contract of insurance to the contrary notwithstanding.

Agent withholding premiums, to be deemed guilty of larceny.

SECTION 2. Any insurance agent or broker who acts in negotiating a contract of insurance by an insurance company lawfully doing business within the Commonwealth, who shall embezzle or fraudulently convert to his own use, or shall take or secrete, or otherwise dispose of, with intent to use or embezzle, or shall fraudulently withhold or appropriate, lend, invest, or otherwise fraudulently use or apply, any money or substitute for money received by him as such agent or broker, without the consent or contrary to the instructions of the company for or on account of which the same is received by him, shall be deemed guilty of simple larceny.

Approved April 20, 1878.

Chap. 167

AN ACT CONCERNING THE EXPENSES OF THE RAILROAD COMMISSIONERS.

Be it enacted, &c., as follows:

Expenses of commissioners to be borne by railroads and street railways.

SECTION 1. The annual expenses of the board of railroad commissioners including salaries shall be borne by the several corporations owning or operating railroads or street railways, according to their gross earnings by transportation of persons and property, to be apportioned by the tax commissioner, who, on or before the first day of July in each year, shall assess upon each of said corporations its just proportion of such expenses in proportion to its said earnings for the year next preceding that in which the assessment is made; and such assessments shall be col-

lected in the manner provided by law for the collection of taxes upon corporations.

SECTION 2. Section eighteen of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four is hereby repealed.

Repeal of 1874,
372, § 18.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1878.

AN ACT TO PREVENT TRESPASS ON LAND.

Chap. 168

Be it enacted, &c., as follows:

SECTION 1. Every owner or person having the charge or custody of any sheep, cattle, horses, swine or fowl, who wilfully suffers or permits the same to enter on, pass over, or remain on any orchard, garden, mowing land or other improved or enclosed land of another, after being forbidden in writing by the owner or occupant thereof, or by the authorized agent of such owner or occupant, shall be guilty of trespass and shall be punished by fine not exceeding ten dollars.

Trespasses on
land.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1878.

AN ACT TO PREVENT FRAUDS IN THE SALE OF SEWING THREAD.

Chap. 169

Be it enacted, &c., as follows:

SECTION 1. Every manufacturer of cotton, linen or silk sewing thread, or person engaged in putting up such thread on spools or in packages of one pound weight or less, intended for sale, shall before the same is offered for sale, affix to or impress upon each spool or several package a label or stamp designating the quantity of thread each spool or package contains, either by giving the length in yards or by giving the weight.

Thread for sale
on spools etc., to
be labelled with
length in yards.

SECTION 2. If any such person shall neglect to affix such label to, or impress such stamp upon each spool or several package of thread, or shall affix to or impress upon, or cause or suffer to be affixed to or impressed upon, any spool or package of thread intended for sale, a label or stamp specifying that such spool or package contains a greater number of yards or a greater quantity of thread by five per cent. than such spool or package contains, he shall forfeit the sum of five dollars for each spool or package so without a label or stamp or falsely labelled or stamped that shall be sold or be delivered to any person to be sold; to be recovered one-half to the use of the state, and one-half to the use of the party who shall sue for the same.

Penalty for neg-
lect to affix label.

Penalty for affixing false label.

SECTION 3. Any merchant, jobber or trader who shall sell or offer for sale cotton, linen or silk sewing thread, on spools or in packages, that is falsely labelled or stamped as regards length or quantity, shall be liable to the penalty prescribed in the preceding section.

Repeal of 1869, 120.

SECTION 4. Chapter one hundred and twenty of the acts of the year eighteen hundred and sixty-nine is hereby repealed; but such repeal shall not affect any prosecution now pending.

Ready wound bobbins exempted.

SECTION 5. Ready wound bobbins of thread adapted for use in sewing-machine shuttles shall be exempt from the provisions of this act.

SECTION 6. This act shall take effect upon the first day of July next.

Approved April 20, 1878.

Chap. 170 AN ACT TO AMEND SECTION TWENTY-TWO OF CHAPTER ONE HUNDRED AND THIRTY OF THE GENERAL STATUTES RELATING TO SET-OFF.

Be it enacted, &c., as follows:

Set-off in suits before trial justices, and police and municipal courts.

SECTION 1. Section twenty-two of chapter one hundred and thirty of the General Statutes is hereby amended by striking out the words "a justice of the peace or police court," and inserting in place thereof the words "a trial justice or a police, district or municipal court;" and by striking out all after the word "*provided*," and inserting in place thereof the words "that no judgment for a defendant shall exceed the sum for which the court or trial justice might render judgment for a plaintiff."

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1878.

Chap. 171 AN ACT IN RELATION TO THE APPROVAL OF PRIVATE SCHOOLS BY SCHOOL COMMITTEES.

Be it enacted, &c., as follows:

Private schools subject to the approval of school committees. 1873, 279, § 1. 1876, 52, § 2.

SECTION 1. For the purposes designated in section one of chapter two hundred seventy-nine of the acts of the year eighteen hundred and seventy-three, and in section two of chapter fifty-two of the acts of the year eighteen hundred and seventy-six, school committees shall approve private schools in their respective localities only when satisfactory evidence is afforded them that the teaching in such schools corresponds in thoroughness and efficiency to the teaching in the public schools, and that the progress made by the pupils in studies required by law is equal to the progress made during the same time in the

public schools; and such teaching shall be in the English language.

Teaching to be in the English language.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1878.

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FOUR OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE CONCERNING THE CULTIVATION OF FISHES.

Chap. 172

Be it enacted, &c., as follows:

SECTION 1. Whoever uses any sweep seine in the waters of the Connecticut, Westfield, Deerfield, Miller's, Merrimack, Nashua or Housatonic rivers, or their tributaries, having a mesh which stretches less than five inches, shall forfeit for the first offence twenty-five dollars, and for every subsequent offence fifty dollars; and in each case shall also forfeit the apparatus thus unlawfully used, and the fish captured.

Mesh of sweep-seine to be not less than five inches.

SECTION 2. Section twenty-one of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine is hereby repealed.

Repeal of 1869, 384, § 21.

SECTION 3. This act shall take effect on the first day of December next.

Approved April 23, 1878.

AN ACT IN RELATION TO THE COMPENSATION OF AUDITORS.

Chap. 173

Be it enacted, &c., as follows:

Section fifty of chapter one hundred and twenty-one of the General Statutes is hereby amended, so that the compensation awarded by the supreme judicial and superior courts to auditors appointed by those courts shall be paid by the counties in which they are appointed, and shall not be taxed in the bill of costs of either party to the action. Chapter sixty-seven of the acts of the year eighteen hundred and sixty-seven shall have no application to auditors appointed by the supreme judicial or superior courts.

Compensation of auditors to be paid by counties. G. S. 121, § 50. 1867, 67.

Approved April 23, 1878.

AN ACT TO PROVIDE FOR THE MORE ACCURATE REGISTRATION OF VITAL STATISTICS.

Chap. 174

Be it enacted, &c., as follows:

SECTION 1. No human body shall be buried, or removed from any city or town, until a proper certificate has been given by the clerk or local registrar of statistics to the undertaker or sexton, or person performing the burial, or removing the body. This certificate shall state that the facts required by chapter twenty-one of the General Statutes have been returned and recorded; and no clerk

Burial not permitted until proper certificate has been given.

Certificate of
cause of death.

or local registrar shall give such certificate or burial permit until the certificate of the cause of death has been obtained from the physician, if any, in attendance at the last sickness of the deceased, and placed in the hands of said clerk or local registrar: *provided*, that in those cities and towns where local boards of health have been established, the certificate of the cause of death shall be approved by such board before a permit to bury is given by the registrar or clerk. Upon application, the chairman of the local board of health or any physician employed by any city or town for such purpose, shall sign the certificate of the cause of death to the best of his knowledge and belief, if there has been no physician in attendance. He shall also sign such certificate, upon application, in case of death by dangerous contagious disease, or in any other event when the certificate of the attending physician cannot for good and sufficient reasons be early enough obtained. In case of death by violence, the medical examiner attending shall furnish the requisite medical certificate. Any person violating the provisions of this section shall be punished by a fine not exceeding twenty-five dollars.

Medical examiner.

Penalty.

To take effect
May 1, 1878.

SECTION 2. This act shall take effect on the first day of May in the year eighteen hundred and seventy-eight; and all acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 23, 1878.*

Chap. 175

AN ACT CONCERNING THE APPOINTMENT OF SPECIAL COMMISSIONERS FOR ALTERATIONS IN RAILROAD CROSSINGS.

Be it enacted, &c., as follows:

Special commissioners for alterations in railroad crossings to be appointed by superior court.

SECTION 1. The special commissioners, provided for in section ninety-eight of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, shall be appointed by the superior court at any term thereof holden for civil business in the county in which the railroad crossing is situated, upon the application either of the county commissioners, the mayor and aldermen, the selectmen, or the directors of the railroad company, after notice to and hearing the parties; which notice may be made according to the order of any judge of said court made in term time or vacation, upon application of any party interested, but which shall be served at least fourteen days before the first day of the term of hearing; and one of the special commissioners to be so appointed shall be a member of and designated by the board of railroad commissioners. The special commissioners shall

One special commissioner to be one of the railroad commissioners.

meet as soon as may be after they receive their appointment, and after notice to and hearing the parties, shall make their award in writing, and return the same into said court.

Award to be in writing.

SECTION 2. Any party affected by said award may within fourteen days after the same shall have been returned into court as aforesaid, apply to said court for a jury to revise and determine any matter of fact or issue relating to the determination and award of said special commissioners as to the party by whom the charges and expenses occasioned by making such alterations and all future charges for keeping in repair such crossing and the approaches thereto, as well as all costs of the application to the county commissioners, or of the hearing before said special commissioners, shall be borne or as to the apportionment of all or any of such charges between the railroad corporation and the town, city or county in which said crossing is situated, and thereupon said court shall order a trial by jury to be had at the bar of said court, after due notice to all parties interested in the matter of said award, in the same manner in which civil causes are tried by jury. The decree of the said court upon said award or upon the verdict of a jury as herein before provided shall be final and binding, and said court shall have jurisdiction in equity to compel compliance therewith. Said court may also issue and enforce such interlocutory decrees and orders as justice may require.

Parties affected by award may apply for a jury.

Decree of court or verdict of jury to be binding.

SECTION 3. Sections ninety-nine and one hundred of chapter three hundred and seventy-two of the acts of eighteen hundred and seventy-four, chapter two hundred and thirty-one of the acts of eighteen hundred and seventy-five, chapter two hundred and twelve of the acts of eighteen hundred and seventy-six, and all acts and parts of acts inconsistent with this act, are hereby repealed; but this act shall not affect cases now pending in court.

Repeal of 1874, 372, §§ 99, 100, 1875, 231. 1876, 212.

SECTION 4. This act shall take effect upon its passage.

Approved April 23, 1878.

AN ACT RELATING TO THE DISPOSITION OF CERTAIN FUNDS IN THE TREASURY OF THE CITY OF BOSTON.

Chap. 176

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is authorized to pay to the persons authorized to collect taxes, betterments, rates and assessments in said city, prior to the first day of September in the year eighteen hundred and seventy-five,

May pay fees and charges for collection of certain taxes, &c.

such amount of the fees, charges and commissions thereon allowed by law as had accrued or were earned but were unpaid prior to said first day of September, and have since actually been paid into the treasury of said city between said date and the date of the passage of this act.

Repeal.
1875, 176.

SECTION 2. So much of chapter one hundred seventy-six of the acts of the year eighteen hundred seventy-five as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1878.

Chap. 177 AN ACT IN AMENDMENT OF AN ACT TO ESTABLISH HARBOR LINES
ON CHARLES RIVER.

Be it enacted, &c., as follows:

Harbor lines es-
tablished.
1873, 263.

SECTION 1. Chapter two hundred and sixty-three of the acts of the year eighteen hundred and seventy-three is amended, and the line on the northerly side of Charles River is hereby established to begin at a point on the southerly side of West-Boston Bridge where the present harbor line intersects said side of said bridge and runs south-westerly in a straight line to a point on the former northern shore of said river, said point being distant fourteen hundred and sixty-five feet easterly from a point on the easterly side of Brookline Bridge which is one hundred and ten feet southerly from the present solid abutment of said bridge on the northerly side of said river, and said point on the former northern shore being distant seven hundred feet northerly from the present harbor line on the southerly side of said river measuring at right angles therefrom, and thence running westerly to the point on the easterly side of said bridge distant one hundred and ten feet southerly from said abutment.

Repeal.

The third section of said chapter two hundred and sixty-three is hereby repealed.

Flats may be
filled.

SECTION 2. The lands and flats lying northerly of the line hereby established and between the said point on the former northern shore and the Grand Junction Railroad, the same having been marsh above high water mark and heretofore excavated by the owners thereof, may at any time hereafter be filled without compensation being made for the displacement of tide water.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1878.

AN ACT TO CONFIRM CERTAIN ACTS OF THE TOWN OF TYRINGHAM. *Chap. 178*
Be it enacted, &c., as follows:

SECTION 1. All acts done by the town of Tyingham at its annual meeting held the first day of April in the year eighteen hundred and seventy-eight, shall have the same force and effect as if the warrant calling said meeting had been properly served and returned.

Acts done at annual meeting confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved April 24, 1878.

AN ACT FOR THE BETTER PROTECTION OF THE OYSTER FISHERIES IN THIS COMMONWEALTH. *Chap. 179*

Be it enacted, &c., as follows:

SECTION 1. No person shall dig, take or carry away any oysters by any method whatever, from any flats or creeks, for which a license has been granted under the provisions of section sixteen of chapter eighty-three of the General Statutes, between sunset and sunrise. Any person holding a license under the provisions of said section who shall violate the foregoing provisions, shall upon conviction thereof, in addition to the penalties hereinafter provided, forfeit his license together with the oysters remaining on the premises licensed, to the town or city granting the same.

Oysters not to be taken between sunset and sunrise.

Penalty.

SECTION 2. Any person who shall violate any of the provisions of this act, and any person who digs or takes any oysters from any flats or creeks described in any license granted under the provisions of section sixteen of chapter eighty-three of the General Statutes, during the continuance of such license, without the consent of the person so licensed, shall be punished by a fine not more than one hundred dollars, or imprisonment in the house of correction not less than thirty days nor more than six months, or by both said fine and imprisonment. One half of said fine shall be paid to the complainant and the other to the county within whose jurisdiction the offence was committed.

Taking oysters without permission, punishable by fine or imprisonment.

SECTION 3. This act shall take effect on the first day of June next.
Approved April 24, 1878.

To take effect June 1, 1878.

AN ACT IN RELATION TO RAILROAD POLICE. *Chap. 180*
Be it enacted, &c., as follows:

SECTION 1. Section one hundred and forty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, is hereby

Loitering at railroad station. 1874, 372, § 149.

amended by inserting before the word "officer," where it occurs in said section, the word "police."

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1878.

Chap. 181

AN ACT RELATING TO ARRESTS IN CERTAIN CASES.

Be it enacted, &c., as follows:

Arrest without
warrant for vio-
lation of certain
by-laws.

Whoever remains upon a street or sidewalk, or elsewhere, in any city or town in wilful violation of an ordinance or by-law, and whoever, upon any street, sidewalk, or in any other public place, accosts or addresses any other person with profane or obscene language in wilful violation of an ordinance or by-law, may be arrested without a warrant by any officer authorized to serve criminal process in the place where the offence is committed, if unknown to the officer making such arrest, and may be kept in custody until he can be taken before a court having jurisdiction to punish such offence. *Approved April 24, 1878.*

Chap. 182

AN ACT APPORTIONING TAXES ON REAL ESTATE, WHEN DIVIDED BEFORE THE PAYMENT OF THE TAXES OR SALE OF THE REAL ESTATE.

Be it enacted, &c., as follows:

Real estate
divided after
taxation, may
have tax appor-
tioned upon the
several parcels
thereof.

SECTION 1. Whenever the assessors of any city or town in this Commonwealth have assessed a tax upon real estate, and such real estate has been subsequently divided by sale, mortgage or otherwise, by the owner or owners thereof or upon a petition for partition, and record of such division has been made in the registry of deeds for the county in which such real estate is situated, it shall be the duty of the assessors at any time before said real estate has been sold for non-payment of taxes, upon the written request of the owner or mortgagee of any portion thereof, to apportion said tax and the costs and interest accrued thereon, upon the several parcels into which said real estate has been divided in proportion to the value of each parcel thereof, and only the portion of said tax, interest and costs, so apportioned upon any such parcel, shall thereafter continue to be a lien upon it, and no one of such owners or mortgagees shall thereafter be liable for the tax so apportioned upon any parcel not owned in whole or in part by him at the time of such apportionment.

Parties interest-
ed to be notified.

SECTION 2. Notice of the request and of the time appointed for such apportionment shall be sent by mail by the assessors to all persons interested in said real estate whose addresses are known to them.

SECTION 3. Any person aggrieved by any action of the assessors under this act, may within seven days thereafter appeal to the board to which appeal may be made in case of an over assessment, and the action of said board upon such appeal shall be final. Right of appeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 24, 1878.

AN ACT RELATIVE TO THE POLLUTION OF RIVERS, STREAMS AND PONDS USED AS SOURCES OF WATER SUPPLY.

Chap. 183

Be it enacted, &c., as follows:

SECTION 1. No person or persons, or corporation public or private, shall discharge directly, or cause to be discharged directly, human excrement into any pond in this Commonwealth used as a source of water supply by any city or town therein, or upon whose banks any filter basin so used is situated, or into any river or stream so used or upon whose bank such filter basin is situated within twenty miles above the point where such supply is taken, or into any feeders of such pond, river or stream within such twenty miles.

Sources of water supply not to be polluted.

SECTION 2. No person or persons, or corporation public or private, shall discharge or cause to be discharged into any pond in this Commonwealth used as a source of water supply by any city or town therein, or upon whose banks any filter basin so used is situated, or into any river or stream so used or upon whose banks such filter basin is situated, within twenty miles above the point where such supply is taken, or into any feeders of such pond, river or stream within such twenty miles, any sewage, drainage, refuse or polluting matter of such quality and amount as either by itself, or in connection with other matter shall corrupt or impair the quality of the water for domestic use, or render it deleterious to health.

Sewage not to be discharged into ponds.

SECTION 3. The prohibitions contained in the two previous sections shall not be construed to destroy or impair rights already acquired by legislative grants, or to destroy or impair prescriptive rights of drainage or discharge, to the extent to which they lawfully exist at the date of the passage of this act; and nothing in this act contained shall be construed to authorize the pollution of any waters in this Commonwealth, in any manner now contrary to law.

Existing rights not to be impaired.

This act shall not be applicable to the Merrimac or Connecticut Rivers, nor to so much of the Concord River as lies within the limits of the city of Lowell.

Sources of water supply to be under supervision of state board of health.

SECTION 4. The state board of health shall have the general supervision of all rivers, streams and ponds in this Commonwealth which are or shall be used by any city or town as sources of water supply, with reference to their purity, together with the waters feeding the same, except the Merrimac, Connecticut and Concord Rivers. It shall be the duty of said board to examine the same from time to time and to inquire what pollutions exist and their causes. Whenever a violation of any of the provisions of this act is committed the said board may, if in its judgment the public health shall require, order any person or persons, or corporation public or private, to cease and desist from such violation and to remedy the pollution or to cleanse or purify the polluting substances in such a manner and to such a degree that they shall be no longer deleterious to the public health before being cast or allowed to flow into the waters thereby polluted: *provided*, that before making such order the said board shall assign a time and place for hearing the party or parties to be affected, and shall give him or them an opportunity of being heard thereon, and the orders herein before provided shall be issued only after such notice and hearing; and *provided, also*, that upon the application of any city or town to said board alleging the violation of any of the provisions of this act, and the pollution of its water supply thereby, it shall be the duty of said board to grant a hearing upon due notification of the party or parties to be affected as aforesaid, and upon proof of such violation to issue the order or orders already mentioned in this section.

Orders of board may be enforced by supreme judicial court.

SECTION 5. The supreme judicial court or any one of its justices in term time or vacation shall have power to issue an injunction to enforce the orders of the said board of health.

Orders to be served upon parties.

Right of appeal to a jury.

SECTION 6. The orders of the said board of health shall be served upon the party or parties found to have violated any of the provisions of this act, and such party or parties if aggrieved thereby shall have the right of appeal to a jury, and be subject to the provisions of law contained in the fifty-sixth and fifty-eighth sections of chapter twenty-six of the General Statutes, and chapter two hundred and sixty-three of the laws of eighteen hundred and sixty-five. During the pendency of the appeal the pollution against which the order has issued shall not be continued contrary to the order of the said board.

SECTION 7. This act shall take effect upon the first day of July in the year eighteen hundred and seventy-eight.

To take effect
July 1, 1878.

Approved April 26, 1878.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND ELEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-NINE, RELATING TO SEWERS AND DRAINS.

Chap. 184

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of any city, except the city of Boston, or the inhabitants of any town, in which main drains or common sewers are hereafter laid and constructed under the provisions of chapter one hundred and eleven of the acts of the year eighteen hundred and sixty-nine, may by vote determine, that, instead of paying an assessment under section four of chapter forty-eight of the General Statutes, every person who enters his particular drain into such main drains or common sewers, or uses the same in any way, shall pay for the permanent privilege to his estate such reasonable sum as the mayor and aldermen of said city, or the selectmen of said town shall determine.

Privilege of
entering main
drain to be paid
for, as mayor
and aldermen or
selectmen may
order.

SECTION 2. Any person aggrieved by any determination of the mayor and aldermen, or the selectmen, made under the last provision of the foregoing section, may at any time within six months after the same is made known to him, apply to the county commissioners for a revision thereof. If after due hearing the county commissioners reduce the amount to be paid for said privilege, he shall have the benefit of such reduction, and the city or town shall pay the costs of the application and hearing; otherwise said costs shall be paid by the applicant.

Parties aggrieved
may apply
for a jury.

SECTION 3. All sums due under section one of this act shall constitute a lien upon the real estate using such main drains or common sewers, and benefited thereby for the same length of time, and may be collected in the same manner as taxes upon real estate, or they may be sued for in an action of contract in the name of the city or town.

Sums due to
constitute a lien
upon the estate.

Approved April 26, 1878.

AN ACT TO AUTHORIZE THE COLLECTION OF INTEREST ON DISTRICT TAXES.

Chap. 185

Be it enacted, &c., as follows:

SECTION 1. The legal voters of any fire, water supply, improvement or school district, organized under the laws of this Commonwealth, may, at the meeting when money is appropriated or raised, fix a time within which all taxes

Districts may
vote that interest
shall be
added to unpaid
taxes.

assessed therein shall be paid, and may vote that on all taxes remaining unpaid after a certain time interest shall be paid at a specified rate, not exceeding one per centum per month, and may also vote that on all taxes remaining unpaid after another certain time interest shall be paid at another specified rate, not exceeding one per centum per month; and the interest accruing under such vote or votes shall be added to and be a part of such taxes.

Vote to be certified to the assessors of the town.

SECTION 2. The clerk of the district shall certify such vote or votes to the assessors of the town in which said district is situated, together with all sums of money voted to be raised by the district, which shall be assessed and collected by the officers of the town in the same manner that the town taxes are assessed and collected, and be paid over to the treasurer who shall hold the same subject to the order of the prudential committee or treasurer of the district.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 186 AN ACT IN RELATION TO EMBEZZLEMENT BY TOWN, CITY AND COUNTY OFFICERS.

Be it enacted, &c., as follows:

Embezzlement by town, city and county officers.

The provisions of section forty-two of chapter one hundred and sixty-one of the General Statutes in relation to embezzlement shall apply to indictments for embezzlement by town, city or county officers under section thirty-seven of the same chapter.

Approved April 26, 1878.

Chap. 187 AN ACT RELATING TO STATE CONTRACTS AND EXPENDITURES.

Be it enacted, &c., as follows:

Copies of contracts affecting the interests of the Commonwealth, to be filed with the auditor.

SECTION 1. All boards, commissions or public officers authorized to make contracts affecting the interests of the Commonwealth, under which moneys may be payable from the treasury thereof, shall be required to file certified copies of the same with the auditor of accounts.

Expenditures of money in excess of appropriations.

SECTION 2. Whenever expenditures of money are made in excess of appropriations the officials having charge of such expenditures, respectively, shall report to the auditor of accounts the details of the same with the reasons therefor, on or before the fifteenth day of January of each year, and the auditor shall make a special report of the same to the legislature early in the session. Nothing in this section shall be construed to set aside the provisions of section forty-one of chapter fifteen of the General Statutes limiting expenditures to appropriations.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

AN ACT RELATING TO RECOGNIZANCES AND BONDS IN MUNICIPAL AND DISTRICT COURTS.

Chap. 188

Be it enacted, &c., as follows:

SECTION 1. Section thirty-nine of chapter one hundred and seventy of the General Statutes shall apply to recognizances binding a party to appear before any municipal or district court in this Commonwealth.

Condition of recognizances.

SECTION 2. When a bond is required to be given upon an appeal from the judgment of a municipal court the attorney of record of the appellant may execute the bond in his behalf.

Bond upon an appeal may be executed by attorney of appellant.

SECTION 3. Section twenty-seven of chapter one hundred and sixteen of the General Statutes is hereby repealed.

Repeal of G. S. 116, § 27.

SECTION 4. Section four of chapter three hundred and six of the acts of the year eighteen hundred and seventy-four is hereby amended by inserting after the words "on a warrant or without one," the words "or in the custody of an officer under a mittimus."

Amendment to 1874, 306, § 4.

SECTION 5. This act shall take effect upon its passage.

Approved April 26, 1878.

AN ACT RELATING TO THE ASSESSMENT AND COLLECTION OF TAXES UPON PERSONAL PROPERTY HELD IN TRUST.

Chap. 189

Be it enacted, &c., as follows:

SECTION 1. Whenever personal property belonging to two or more persons under guardianship, or personal property held in trust by an executor, administrator or trustee, the income of which is payable to two or more persons, or personal property placed in the hands of a corporation or individual as an accumulating fund for the future benefit of two or more heirs or other persons, shall be assessed under section twelve of chapter eleven of the General Statutes by the assessors of any city or town in whole or in part, they shall, upon being requested in writing within the time specified by them for the bringing in of lists under section twenty-two of said chapter, and being therein informed of the names, domiciles and proportionate shares of such wards, *cestuis que trust*, heirs or other persons, make separate assessments in such manner as to distinguish how much of such personal property is assessed in respect to each. Should any of said several assessments be illegally made, an action at law shall lie to recover back

Separate taxation upon personal property held in trust for benefit of two or more persons.

the taxes paid thereon, in the same manner as in other cases of illegal assessment.

Taxation of personal property held by executor or administrator.

SECTION 2. Personal property held by an executor or administrator shall be taxable according to the provisions of the seventh clause of section twelve of chapter eleven of the General Statutes for the space of three years after the appointment of such executor or administrator, unless the same has been distributed and notice of such distribution has been given to the assessor stating the name, residence and amount paid to the several parties interested in the estate who are residents of the Commonwealth. After three years from the date of such appointment such property shall be assessed according to the provisions of the fifth clause of section twelve of said chapter eleven, whether the same has been distributed or not.

Amount last assessed to be deemed the sum assessable unless list is brought in.

SECTION 3. After personal property shall have been legally assessed in any city or town to an executor, administrator or trustee, an amount not less than that last assessed by the assessors of such city or town in respect of such property, shall be deemed to be the sum assessable unless a true list of such property is brought in to the assessors in accordance with the provisions of section twenty-two of chapter eleven of the General Statutes.

Collection of tax upon personal property held as an accumulating fund for future benefit of heirs, &c.

SECTION 4. Whenever personal property placed in the hands of a corporation or an individual as an accumulating fund for the future benefit of heirs or other persons has been duly assessed to such heirs or persons according to the provisions of the General Statutes, chapter eleven, section twelve, clause six, and the persons so taxed neglect to pay the tax for one year after it has been committed to the collector, the collector may, in his own name, maintain an action of contract therefor against said trustee, in like manner as for his own debt; and the amount thereof paid by said trustee may be allowed in his account as said trustee.

SECTION 5. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 190

AN ACT CONCERNING THE SETTLEMENT OF PAUPERS.

Be it enacted, &c., as follows:

Legal settlements.

SECTION 1. Legal settlements may be acquired in any city or town, so as to oblige such place to relieve and support the persons acquiring the same, in case they are poor, and stand in need of relief, in the manner following, and not otherwise, namely: —

First. A married woman shall follow and have the settlement of her husband, if he has any within the state; otherwise her own at the time of the marriage, if she then had any, shall not be lost or suspended by the marriage. Married woman.

Second. Legitimate children shall follow and have the settlement of their father, if he has any within the state, until they gain a settlement of their own; but if he has none, they shall in like manner follow and have the settlement of their mother, if she has any. Legitimate children.

Third. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the state; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they may be born, if neither of their parents then has a settlement therein. Illegitimate children.

Fourth. Any person of the age of twenty-one years, having an estate of inheritance or freehold in any place within the state, and living on the same three years successively, shall thereby gain a settlement in such place. Person of twenty-one years, having an estate, &c.

Fifth. Any person of the age of twenty-one years, who resides in any place within this state for five years together, and pays all state, county, city or town taxes, duly assessed on his poll or estate, for any three years within that time, shall thereby gain a settlement in such place. Person of twenty-one years, resident for five years, &c.

Sixth. Any woman of the age of twenty-one years, who resides in any place within this state for five years together, without receiving relief as a pauper, shall thereby gain a settlement in such place. Woman of twenty-one years, resident for five years, &c.

Seventh. Any person being chosen, and actually serving one whole year in the office of clerk, treasurer, selectman, overseer of the poor, assessor, constable, or collector of taxes, in any place, shall thereby gain a settlement therein. For this purpose, a year shall be considered as including the time between the choice of such officers at one annual meeting and the choice at the next annual meeting, whether more or less than a calendar year. Certain town officers.

Eighth. Every settled ordained minister of the gospel shall be deemed to have acquired a legal settlement in the place wherein he is or may be settled as a minister. Settled ordained minister.

Ninth. A minor who serves an apprenticeship to a lawful trade for the space of four years in any place, and actually sets up such trade therein within one year after the expiration of said term, being then twenty-one years old, and continues there to carry on the same for five years, shall thereby gain a settlement in such place; but being hired as a journeyman shall not be considered as setting up a trade. Four years' apprenticeship during minority and setting up trade within one year after.

Soldiers and
sailors in the
late war.

Tenth. Any person who shall have been duly enlisted and mustered into the military or naval service of the United States, as a part of the quota of any city or town in this Commonwealth, under any call of the President of the United States during the late civil war, or duly assigned as a part of the quota thereof, after having been enlisted and mustered into said service, and shall have duly served for not less than one year, or shall have died, or become disabled from wounds or disease received or contracted while engaged in such service, or while a prisoner in the hands of the enemy, and the wife or widow and minor children of such person, shall be deemed thereby to have acquired a settlement in such place; and any person who would otherwise be entitled to a settlement under this clause, but who was not a part of the quota of any city or town, shall, if he served as a part of the quota of this Commonwealth, be deemed to have acquired a settlement in the place where he actually resided at the time of his enlistment. But these provisions shall not apply to any person who shall have enlisted and received a bounty for such enlistment in more than one place, unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who shall have been proved guilty of wilful desertion, or to have left the service otherwise than by reason of disability or an honorable discharge.

Division of
cities and towns.

Eleventh. Upon the division of a city or town, every person having a legal settlement therein, but being absent at the time of such division, and not having acquired a legal settlement elsewhere, shall have his legal settlement in that place wherein his last dwelling-place or home happens to fall upon such division; and when a new city or town is incorporated, composed of a part of one or more incorporated places, every person legally settled in the places of which such new city or town is so composed, and who actually dwells and has his home within the bounds of such new city or town at the time of its incorporation, and any person duly qualified as provided in the tenth clause of this section, who, at the time of his enlistment, dwelt and had his home within such bounds, shall thereby acquire a legal settlement in such new place: *provided*, that no persons residing in that part of a place, which, upon such division, shall be incorporated into a new city or town, having then no legal settlement therein, shall acquire any by force of such incorporation only; nor shall such incorporation prevent his acquiring a settlement therein

within the time and by the means by which he would have gained it there if no such division had been made.

SECTION 2. No person who has begun to acquire a settlement by the laws in force at and before the time when this act takes effect, in any of the ways in which any time is prescribed for a residence, or for the continuance or succession of any other act, shall be prevented or delayed by the provisions of this act; but he shall acquire a settlement by a continuance or succession of the same residence or other act, in the same time and manner as if the former laws had continued in force.

Settlement under continuance of residence, &c., under former laws.

SECTION 3. Except as hereinafter provided, every legal settlement shall continue till it is lost or defeated by acquiring a new one within this state; and upon acquiring such new settlement all former settlements shall be defeated and lost.

Old settlement to continue until new is acquired.

SECTION 4. All settlements acquired by virtue of any provision of law in force prior to the eleventh day of February in the year one thousand seven hundred and ninety-four, are hereby defeated and lost: *provided*, this shall not apply where the existence of such settlement prevented a subsequent acquisition of settlement in the same place under the provisions of clauses fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh of the first section of this act, or under the same provisions in other statutes existing prior to the passage of this act; and *provided, further*, that, whenever a settlement acquired by marriage has been thus defeated, the former settlement of the wife, if not defeated by the same provision, shall be deemed to have been thereby revived.

Settlements acquired under laws in force prior to Feb. 11, 1794.

SECTION 5. Chapter sixty-nine of the General Statutes, chapter two hundred and eighty-eight of the acts of the year one thousand eight hundred and sixty-six, section one of chapter three hundred and twenty-eight of the acts of the year one thousand eight hundred and sixty-eight, chapter three hundred and ninety-two of the acts of the year one thousand eight hundred and seventy, chapter three hundred and seventy-nine of the acts of the year one thousand eight hundred and seventy-one, chapter two hundred and eighty of the acts of the year one thousand eight hundred and seventy-two, and chapter two hundred and seventy-four of the acts of the year one thousand eight hundred and seventy-four, are hereby repealed, saving all acts done, or rights accruing, accrued, or established, or proceedings, doings, or acts ratified or confirmed, or

Repeal.

Rights preserved.

suits or proceedings had or commenced, before the repeal takes effect.

Approved April 26, 1878.

Chap. 191 AN ACT IN RELATION TO THE MANAGEMENT OF THE HOOSAC TUNNEL AND THE TROY AND GREENFIELD RAILROAD.

Be it enacted, &c., as follows:

Judgment against manager to be paid out of the earnings of the road.

SECTION 1. Whenever judgment is recovered in an action for damages against the manager of the Troy and Greenfield Railroad, under or by virtue of the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, no execution therefor shall be issued against the person or property of the said manager, but said judgment shall be paid out of the earnings of the road, in the hands of the treasurer of said Troy and Greenfield Railroad, appointed under the provisions of said act; and the manager shall be entitled to retain from the earnings of said road such sums as will be sufficient to pay and satisfy such judgment.

Liability for damages of other roads using the Troy and Greenfield Railroad.

SECTION 2. Any railroad corporation entering upon and using the Troy and Greenfield Railroad, with its own motive power, under the provisions of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, shall be liable for all damages recoverable by law, sustained by any person or persons on account of the negligence of such corporation, to the same extent as if said railroad was the property of such corporation; and such corporation shall be liable to the Commonwealth for all injury to said railroad caused by reason of any negligence of such corporation in its use of said railroad, to be recovered in an action of tort.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 192 AN ACT RELATIVE TO THE REBUILDING AND IMPROVEMENT OF STABLES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Stables in the city of Boston.

SECTION 1. Any stable now or hereafter legally existing in the city of Boston may, with the consent of the mayor and aldermen of said city, be rebuilt, enlarged and improved, in accordance with the provisions of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one and the several acts in amendment thereof regulating the construction of buildings in said city.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

AN ACT TO ESTABLISH A FIRE DISTRICT IN THE TOWN OF LEE, *Chap. 193*
AND FOR THE DISSOLUTION OF THE EXISTING FIRE DISTRICT.

Be it enacted, &c., as follows:

SECTION 1. All the territory within said town comprised within the following limits, that is to say: Beginning at the junction of the highways near the residence of John Verran, thence northerly in the line of the highway, passing said Verran's house to a stake and stones just northerly of the dwelling-house of H. Morrison; thence westerly in a straight line to junction of highways near the dwelling-house of Connor Shay; thence southerly in a straight line towards the junction of highways near the residence of the late A. M. Howk, until the line intersects the Hopland line, so called; thence on said Hopland line to place of beginning; and the inhabitants residing within the above described limits, and their respective estates within said limits, together with all non-resident estates, and all property included within said limits, shall be and constitute the Lee fire district, and is hereby invested with all the powers and privileges, and subject to all the duties, liabilities and requirements of fire districts, under the existing laws of this Commonwealth: *provided*, that no person not now a resident within the limits of the present fire district shall be liable to taxation for the payment of any debt or liability incurred by the same; but the existing fire district shall be and remain liable to taxation for the payment of all its present indebtedness and liabilities, notwithstanding the passage of this act. Upon the acceptance of this act as hereinafter provided, the present existing fire district shall, by such person as it may designate, convey all its real estate and personal property to the fire district contemplated in this act.

Fire district in the town of Lee.

Proviso.

SECTION 2. Except for the purposes expressly provided for in the preceding section, the existing fire district in said Lee is hereby dissolved.

Present fire district dissolved.

SECTION 3. This act shall take effect upon its acceptance by a majority of the legal voters residing within the limits of the district proposed in the first section of this act, present and voting thereon, in connection with the existing fire district, at a legal meeting to be called on or before the first day of November next, at some suitable place within the limits of the present fire district, which meeting shall be called by the existing fire district, in the usual manner of calling legal meetings thereof, and by delivering a copy of the warrant calling said meeting, attested by the clerk of said district, to each legal voter

Subject to acceptance by majority vote.

known to be a resident within the limits of said proposed fire district, and not resident in the present fire district, or by leaving the same at his usual place of abode within said proposed district, seven days at least before the day of said meeting.

Approved April 26, 1878.

Chap. 194 AN ACT FOR THE PROTECTION OF THE DIKE ACROSS EAST HARBOR CREEK IN TRURO.

Be it enacted, &c., as follows:

Penalty for
injuring dike.

SECTION 1. Any unauthorized person who shall drive over or upon the dike across East Harbor Creek in the town of Truro, any horses, cattle or other animals, or with any carts or carriages, or shall in any manner injure said dike, shall for each offence forfeit and pay to the Commonwealth a sum not exceeding two hundred dollars nor less than twenty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 195 AN ACT AUTHORIZING THE BOARD OF EDUCATION TO MAKE CERTAIN EXPENDITURES IN CONNECTION WITH THE PARIS EXPOSITION.

Be it enacted, &c., as follows:

Appropriation.
Paris Expo-
sition.

SECTION 1. A sum not exceeding five hundred dollars is hereby appropriated, to be expended under the direction of the board of education, for expenses in connection with the educational exhibit at the Paris Exposition.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 196 AN ACT TO AUTHORIZE THE LAND COMMISSIONERS TO CONVEY CERTAIN LANDS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

May convey
lands in Bos-
ton.

SECTION 1. The land commissioners are hereby authorized to release the interest of the Commonwealth in the passage-way running from Huntington avenue to Dartmouth street in the city of Boston, to the owner or owners of the abutting lands, on such terms and conditions as the governor and council may approve.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 197 AN ACT TO ABATE A NUISANCE IN THE CITY OF BOSTON, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

Be it enacted, &c., as follows:

City may order
flats of Prison

SECTION 1. The city council of the city of Boston may order the owners of the flats and basin and the creek con-

nected therewith, of Prison Point Bay, so called, situated in that part of Boston called Charlestown and lying north of the Fitchburg Railroad and the State prison grounds, west of Canal Street, south of Cambridge Street and north and east of the boundary line between Boston and Somerville, to fill up their said flats, basin and creek with good earth or other suitable material, to a grade not less than ten feet above mean low water, in order to secure the abatement of the existing nuisance therein, and for the preservation of the public health of said city.

Point Bay to be filled.

SECTION 2. Such orders shall be made in writing and served upon such owners or occupants in the manner prescribed in section nine of chapter twenty-six of the General Statutes, for the service of orders of boards of health.

Orders to be in writing, and served upon owners.

SECTION 3. If any owner of the territory, or of any interest in any part thereof, described in the first section of this act, fails to begin to comply with any such order within three months after service thereof upon him, or fails after such beginning to comply diligently with such order, or at the expiration of one year after the service thereof has failed to comply fully with such order, the city of Boston may fill up the said territory, or any part thereof, with good earth or other suitable material, to a grade ten feet above mean low water; and all expenses incurred thereby shall constitute a lien upon the several parcels of said territory and the land made by said filling and all buildings thereon, which may be assessed by the board of aldermen of said city of Boston, and with like charges for cost and interest be enforced and collected by the city collector of said city; and said collector may purchase such land and buildings in behalf of said city, as provided by law for the collection of taxes upon real estate, and in case of land sold for taxes.

If owner fails to comply with order, the city may fill up the territory.

Expenses of filling to be a lien upon the land and buildings.

SECTION 4. If the owner or owners of any land so assessed for such expenses desire to have the amount of said assessment apportioned, he or they shall give notice thereof in writing to the board of aldermen of said city at any time before a demand is made upon him or them for the payment thereof, and said board shall thereupon apportion said amount into three equal parts, which apportionment shall be certified to the assessors of said city, and the said assessors shall add one of said equal parts, with six per cent. interest thereon, to the annual tax of said land each year, for the three years next ensuing.

Apportionment of expenses.

SECTION 5. If the owner or owners of any parcel of

Parties dissatisfied with assessment may apply for a jury.

land, the grade of which shall be raised under the third section of this act, be dissatisfied with the assessment of the expenses of raising the grade of his or their land, he or they may, within twelve months after receiving notice of such assessment, apply for a jury by petition to the superior court for the county of Suffolk, and have the expenses assessed in the same manner as betterments for the laying out of streets and highways in the county of Suffolk may be assessed.

Costs and assessment to be liens upon estate.

SECTION 6. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate and be collected in the same manner as the assessment, but if the jury shall reduce the amount of the assessment the petitioner shall recover costs, and all assessments shall be a lien on the estate for one year after the final judgment in any suit or proceeding where the amount or validity of the same is in question, and be collected in the same manner as original assessments.

May construct sewers.

SECTION 7. Said city may construct and maintain such sewers in the territory mentioned in section one of this act as it shall deem the public health and convenience require, and shall make suitable provision for the carrying off of all the surface water naturally flowing into the territory authorized to be filled by this act, and also for all water flowing into the same through all creeks or other natural water courses.

May lay railway tracks through streets.

SECTION 8. The said city of Boston may lay, or permit to be laid, railway tracks through or across its streets, and maintain or permit them to be maintained, so long as necessary for transporting earth and other material to fill up the territory as herein provided.

Filling and grading.

SECTION 9. All filling and grading done under this act shall be done within three years from the passage thereof.

SECTION 10. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 198

AN ACT RELATIVE TO PLACING ON PROBATION PERSONS ACCUSED OR CONVICTED OF CRIMES AND MISDEMEANORS IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Officer to attend criminal courts, and recommend for probation such as may be reformed.

SECTION 1. The mayor of the city of Boston shall appoint, annually in the month of May and whenever a vacancy occurs, either from the police force of said city or from the citizens at large, a suitable person whose duty it shall be to attend the sessions of the courts of criminal

jurisdiction held within the county of Suffolk, to investigate the cases of persons charged with or convicted of crimes and misdemeanors, and to recommend to such courts the placing on probation of such persons as may reasonably be expected to be reformed without punishment. If such officer shall be appointed from the citizens at large his appointment shall be subject to the confirmation of the board of aldermen, and he shall receive such compensation, to be paid from the treasury of the county of Suffolk, as the city council may determine. Such officer shall be under the general control of the chief of police of said city and be allowed a place in his office. He shall make reports as often at least as once in every three months, to said chief of police of the duties performed under this act together with the names of all persons placed on probation, their residences, and the nature of their offences. In cases where it shall be deemed advisable by such officer that such persons shall be sent beyond the limits of the Commonwealth at the expense of said city, the city council shall have authority to appropriate such sum as may be necessary therefor, and said sum may be expended by said officer under the direction of the chief of police, and an account of said expenditures with the items thereof shall be rendered in said reports. It shall be the further duty of such officer so far as the same is practicable, to visit the offenders placed on probation by the court at his suggestion, and render such assistance and encouragement as will tend to prevent their again offending. Any person placed upon probation upon the recommendation of such officer may be re-arrested by him upon approval of the chief of police, without further warrant, and again brought before the court; and the court may thereupon proceed to sentence or make such other disposition of the case as may be authorized by law. Such officer may at any time be removed from office by the mayor.

Officer to be
under control of
chief of police.

SECTION 2. Nothing herein contained shall authorize such officer to interfere with any of the duties required of the visiting agent of the board of state charities under the laws of this Commonwealth relating to juvenile offenders.

Duties of "Vis-
iting Agent" not
to be interfered
with.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 199 AN ACT CONCERNING THE SUPPORT OF MARRIED WOMEN WHO ARE INSANE.

Be it enacted, &c., as follows :

Support of
insane married
woman living
apart from hus-
band.

SECTION 1. Whenever an insane woman is deserted by her husband, or her husband fails to furnish for her a suitable support, or when a wife living apart from her husband for a justifiable cause becomes insane, the supreme judicial court sitting in any county or any justice of said court in vacation, may, by its order on the petition of the guardian or next friend of such insane woman, make such order as it deems expedient concerning her support and the support of her minor children by said husband; and may afterwards on the application of either the husband, wife, guardian or next friend aforesaid, revise or alter such order or make a new order or decree as circumstances may require.

Property of hus-
band may be at-
tached.

SECTION 2. Upon the petition mentioned in the foregoing section the property of the husband may be attached in the same manner as may now be done upon a wife's libel for divorce.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 200 AN ACT LIMITING THE TIME WITHIN WHICH EXECUTORS OR ADMINISTRATORS MAY BE CITED TO TAKE UPON THEMSELVES THE PROSECUTION OR DEFENCE OF ACTIONS.

Be it enacted, &c., as follows :

Prosecution and
defence of ac-
tions by execu-
tors and admin-
istrators.

SECTION 1. No citation named in section seven of chapter one hundred and twenty-seven of the General Statutes, shall be issued after the expiration of two years from the time such executor or administrator shall have given bond for the discharge of his trust: *provided*, he shall have given notice of his appointment as required by law; and *provided, further*, that in all suits now pending the executor or administrator may be cited as provided in said section seven at any time within two years from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

Chap. 201 AN ACT RELATING TO THE PROOF OF FOREIGN WILLS.

Be it enacted, &c., as follows :

Proof of wills
made in other
states or coun-
tries.

SECTION 1. A will made out of this state in notarial form which is valid according to the laws of the state or country in which it was made without probate thereof, may be proved and allowed in this state in the same manner

and with the same effect as is provided as to wills proved and allowed under sections twenty-one, twenty-two and twenty-three of chapter ninety-two of the General Statutes: *provided*, that instead of the copy of the probate of the will required by said section twenty-one, a duly authenticated copy of the notarial record of such will and of the execution thereof shall be produced, and such additional proof of the authenticity and execution of said will as the judge of probate may require.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1878.

AN ACT TO PRESERVE THE EEL FISHERIES IN IPSWICH RIVER
AND ITS TRIBUTARIES IN THE TOWN OF IPSWICH.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. Whoever takes, catches or destroys any eels in Ipswich River or its tributaries, in the town of Ipswich in the county of Essex, in any other manner than by spear, or hook and line, shall forfeit for every eel so taken, caught or destroyed, not less than one dollar nor more than five dollars; one-half of said fine to be paid to the complainant.

Eels not to be taken other than by spear, or hook and line.

SECTION 2. All fines or penalties for violating this act, with costs, may be recovered by complaint or action of tort in any court of competent jurisdiction.

Fines and penalties.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1878.

AN ACT TO REGULATE THE SALE OF INTOXICATING LIQUORS BY
DRUGGISTS AND APOTHECARIES.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. Section seven of chapter ninety-nine of the acts of the year eighteen hundred and seventy-five is hereby amended by inserting therein after the provision for a "*Fifth class*" of licenses the words, "*Sixth class*"; and licenses may be granted to druggists and apothecaries to sell liquors of any kind for medicinal, mechanical and chemical purposes only, and to such persons only as may certify in writing for what use they want it, the fee for which license shall be one dollar only."

Licenses to druggists and apothecaries.

SECTION 2. Every druggist and apothecary licensed under the provisions of this act shall keep a book, and enter therein the date of every sale made by him, the person to whom sold, the kind, quantity and price thereof, and the purpose for which it was sold, substantially in the following form: —

Book to be kept containing entries of sales.

Form of entry.

Date.	Name.	Residence.	Kind and Quantity.	Purpose of Use.	Price.
-------	-------	------------	--------------------	-----------------	--------

Which book and the certificates provided for in section one shall at all times be open to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables and justices of the peace in such city or town.

Concurrent jurisdiction with superior court.

SECTION 3. Municipal, district and police courts, and trial justices, shall have jurisdiction, concurrent with the superior court, over violations of the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1878.

Chap. 204

AN ACT CONCERNING STREET RAILWAY CORPORATIONS.

Be it enacted, &c., as follows :

Commutation checks.
1871, 381, § 26.

SECTION 1. Section thirty-six of chapter three hundred and eighty-one of the acts of the year eighteen hundred and seventy-one, shall not be construed to require any corporation to issue to, or any other corporation to receive from, any passenger a transfer check for a passage upon a car run over the same route with that on which such check was issued, or over a route parallel thereto and between or including two common points.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

Chap. 205

AN ACT RELATIVE TO TENDER AND OFFER OF JUDGMENT IN LAND DAMAGE AND LIEN CASES.

Be it enacted, &c., as follows :

Tender and offer of judgment in land damage and lien cases.

SECTION 1. Any person or corporation against whom damages are claimed for taking or injuring land by authority of law, or upon whose property a lien is claimed, may make a tender or an offer of judgment in any proceedings relative thereto, in like manner and with like effect, as in matters of contract: *provided*, that where an assessment of damages is required before applying for a jury, no tender or offer of judgment shall be made until after such assessment, nor of less amount; and *provided*, that nothing herein contained shall apply to tender in cases under chapter one hundred and forty-nine of the General Statutes and acts in addition thereto.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT TO AMEND SECTION FIVE OF CHAPTER ELEVEN OF THE
GENERAL STATUTES RELATIVE TO PROPERTY AND PERSONS
EXEMPTED FROM TAXATION.

Chap. 206

Be it enacted, &c., as follows:

SECTION 1. The tenth paragraph of section five of chapter eleven of the General Statutes is amended to read as follows: *Tenth.* The property to the amount of five hundred dollars of a widow or unmarried female above the age of twenty-one years, of any person above the age of seventy-five years, and of any minor whose father is deceased: *provided*, that the whole estate real and personal of said persons does not exceed in value the sum of one thousand dollars, exclusive of property otherwise exempted under the provisions of this section.

Amendment to
G. S., 11, § 5.

Property of widow, unmarried female and minor, and person above age of seventy-five years.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT IN RELATION TO THE TRANSPORTATION OF INTOXICATING
LIQUORS IN VIOLATION OF LAW.

Chap. 207

Be it enacted, &c., as follows:

SECTION 1. No person shall bring into any town or city in which licenses are not granted any spirituous or intoxicating liquors, with intent to sell the same himself, or to have the same sold by another, or having reasonable cause to believe that the same is intended to be sold in violation of law; and any liquor transported contrary to the provisions of this act shall be forfeited to the Commonwealth: *provided, however*, that this act shall not apply to the transportation of spirituous liquor through a town to places beyond.

Intoxicating liquors for sale, not to be brought into places where licenses are not granted.

Proviso.

SECTION 2. Whoever wilfully violates any of the provisions of this act shall be punished in the manner provided by law for the punishment of persons illegally selling spirituous or intoxicating liquor.

Penalty.

SECTION 3. The proceedings for the forfeiture of liquors seized under the provisions of this act shall be the same as for the forfeiture of liquors seized under the provisions of chapter one hundred and sixty-two of the acts of the year one thousand eight hundred and seventy-six; and section fourteen of said chapter one hundred and sixty-two is amended by inserting after the word "selling," the words "transporting, distributing."

Proceedings for forfeiture of liquors.

SECTION 4. Municipal, district and police courts, and trial justices, shall have jurisdiction concurrent with the superior court over violations of this act.

Concurrent jurisdiction with superior court.

SECTION 5. This act shall take effect upon its passage.

Approved May 1, 1878.

Chap. 208 AN ACT CREATING A LIEN UPON HORSES AND OTHER DOMESTIC ANIMALS FOR THE EXPENSES OF THEIR CARE AND KEEPING.

Be it enacted, &c., as follows:

Lien upon horses and other domestic animals for keeping or pasturing.

SECTION 1. All persons having proper charges due for pasturing, boarding or keeping horses or other domestic animals brought to their premises or placed in their care by or with the consent of the owners thereof, shall have a lien on such horses or other domestic animals for such charges, and the lien may be enforced in the manner provided for the enforcement of other liens in sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven and twenty-eight of chapter one hundred and fifty-one of the General Statutes.

Application for enforcement of lien.

SECTION 2. Whenever a lien upon live animals is sought to be enforced, the application by petition referred to in said section twenty-one may be made at the expiration of ten days after a demand in writing, instead of sixty days, as therein required, and the notice issued thereon may be served seven days before the hearing, instead of fourteen days, as required by the twenty-second section aforesaid.

Repeal of 1877, 96.

SECTION 3. Chapter ninety-six of the acts of the year eighteen hundred and seventy-seven is hereby repealed; but this repeal shall not affect rights accrued, or proceedings commenced under said act.

Approved May 1, 1878.

Chap. 209 AN ACT TO INSURE PAYMENT OF WAGES EARNED AND FOR MATERIALS USED IN CONSTRUCTING PUBLIC BUILDINGS AND PUBLIC WORKS.

Be it enacted, &c., as follows:

Security for payment of wages when public buildings are built by contract

When public buildings or other public works are about to be built or repaired for this Commonwealth by contract, upon which liens might attach for labor or materials if they belonged to private persons, it shall be the duty of the officers or agents contracting in behalf of the Commonwealth to provide sufficient security, by bond or otherwise, for payment by the contractor and all sub contractors for all labor performed or furnished, and all materials used in the construction or repair thereof.

Approved May 1, 1878.

AN ACT TO AUTHORIZE THE VERMONT AND MASSACHUSETTS RAILROAD COMPANY TO SELL THAT PART OF ITS RAILROAD KNOWN AS THE "BRATTLEBORO BRANCH."

Chap. 210

Be it enacted, &c., as follows:

SECTION 1. The Vermont and Massachusetts Railroad Company is hereby authorized to sell and convey to any other railroad company whose road connects with its road, that portion of its road and real estate which lies between "Millers Falls" in the town of Erving in this Commonwealth and Brattleboro in the State of Vermont, and which is known as the "Brattleboro Branch;" with the franchise and corporate rights connected therewith; and the Fitchburg Railroad Company is authorized to join in said conveyance.

Vermont and Massachusetts Railroad may sell Brattleboro Branch.

SECTION 2. Any other railroad, whose road connects with the road of the Vermont and Massachusetts Railroad Company, may purchase and hold the road, real estate, franchise, and corporate rights herein authorized to be sold: *provided*, that the purchasers of said "Brattleboro Branch" shall afford facilities and accommodations to the people on the line thereof at the several stations, at least equal to those at present enjoyed by them, and shall run at least two passenger trains daily each way between Brattleboro and Millers Falls to connect with trains on the Vermont and Massachusetts Railroad.

Any connecting railroad may purchase the Branch.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT TO DISCONTINUE A COMMON LANDING PLACE IN THE CITY OF LYNN.

Chap. 211

Be it enacted, &c., as follows:

SECTION 1. A certain common landing place situate between Broad Street and the harbor, in the city of Lynn, is hereby discontinued, and said city is hereby authorized to use, control, lease and convey the same for its own use, subject to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine: *provided, however*, that nothing herein shall affect any suit now pending against said city, and that the city of Lynn and its assigns shall remain bound to the same extent that it is now bound by the decree of the supreme judicial court holden within and for the county of Essex, made in the case of Stephen N. Breed and others, petitioners against Henry Breed and others, establishing the lines and boundaries of flats in Lynn harbor, according to the report of the commissioners in said case

Landing place in Lynn discontinued.

Proviso.

and plan accompanying said report and recorded in the registry of deeds of said county.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

Chap. 212 AN ACT TO CONFIRM THE LOCATION OF THE TROY AND GREENFIELD RAILROAD IN THE COUNTY OF FRANKLIN.

Be it enacted, &c., as follows:

Location of road in Franklin County confirmed.

SECTION 1. The location of the Troy and Greenfield Railroad in the county of Franklin, filed by the manager of that railroad with the county commissioners of that county, with plans of land taken for said railroad, on the seventeenth day of April in the year eighteen hundred and seventy-seven, is hereby ratified and confirmed, and declared to be a valid location and taking of the lands shown on said plans to all intents and purposes as if the laws of the Commonwealth had been strictly complied with in the taking of land and the location of said railroad; and in establishing the limits of land taken for said location, reference may be had to established monuments and records of deeds, conveying lands to the Commonwealth, for verification of said plans.

Highways and town ways may be laid out across railroad.

SECTION 2. The county commissioners of Franklin County and the selectmen of the several towns thereof through which said railroad is located may, at any time within two years from the passage of this act, lay out and establish highways and town ways according to law, crossing said railroad and on the lands thereof in the manner and location in which the same are now shown upon the said plans, and also with the consent of the governor and council, such other highways and town ways upon said lands as are now in public use: *provided*, that when such highways or town ways are substituted for other highways or town ways taken for or on account of said location or railroad, they shall cause the last mentioned to be discontinued, and that all unsettled claims for damages arising from the discontinuance of such highways or town ways shall be assessed upon or paid for by said county or towns.

Proviso.

Time for location, &c., extended.

SECTION 3. The time within which persons may exercise the rights provided by law to apply to the county commissioners to estimate all damages occasioned by the said laying out, making and locating of said railroad, and by taking of any land or materials therefor, and to apply for a jury if dissatisfied with the estimate of such commissioners, is hereby extended to the expiration of two years from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT TO CHANGE THE NAME OF THE FIRST BAPTIST SOCIETY
OF BRIGHTON AND CONFIRM THE DOINGS THEREOF.

Chap. 213

Be it enacted, &c., as follows:

SECTION 1. The name of the First Baptist Society of Brighton is changed to the Brighton Avenue Baptist Society in Boston, and the organization of said society and all acts done thereunder which religious societies may lawfully do, are hereby confirmed.

Name changed to Brighton Avenue Baptist Society in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1878.

AN ACT TO AMEND CHAPTER ELEVEN OF THE GENERAL STATUTES, RELATING TO THE REAL ESTATE OF LITERARY, BENEVOLENT, CHARITABLE AND SCIENTIFIC INSTITUTIONS.

Chap. 214

Be it enacted, &c., as follows:

SECTION 1. The real estate belonging to such institutions as are mentioned in the third division of section five of chapter eleven of the General Statutes, purchased with a view of removal thereto, shall not be exempt from taxation for a longer period than two years until such removal takes place.

Amendment to G. S., 11, § 5.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1878.

AN ACT CONCERNING THE AMOUNT OF CAPITAL STOCK REQUIRED BEFORE A RAILROAD CORPORATION CAN COMMENCE THE CONSTRUCTION OF ITS ROAD.

Chap. 215

Be it enacted, &c., as follows:

SECTION 1. No railroad corporation shall be authorized to locate or construct its road or any branch or extension thereof or to enter upon and use any land or other property except for making surveys, until a sworn estimate of the total cost of constructing the same, prepared by the chief engineer of the corporation shall have been submitted to the board of railroad commissioners and approved by them; nor until it shall also have been made to appear to the satisfaction of said board that there has been actually subscribed by responsible parties, without any condition which invalidates the subscription an amount of the capital stock of said corporation equal to at least fifty per centum of such estimated cost of construction, and that twenty per centum of the par value of each and every share has been actually paid into the treasury: *provided*, that the certificate of a master in chancery or commission-

Sworn estimate of cost of construction to be submitted to commissioners before locating or constructing road.

Capital stock and shares.

Provisos.

er of insolvency for the county in which the person making the subscription resides that the subscriber is worth property in his own name over and above all incumbrances to an amount equal to his subscription shall be conclusive evidence of his responsibility; and *provided, further*, that in case the said board shall refuse its approval to any estimate of cost of construction or any subscription list submitted to it under the provisions of this act, the reasons for such refusal shall at the time be stated in writing and in detail and included in its next annual report.

Certificate that provisions have been complied with, to be filed with secretary of the Commonwealth.

SECTION 2. When the provisions of this act have been complied with, the clerk of the board of railroad commissioners, upon their order, shall certify the same to the secretary of the Commonwealth, and no railroad corporation shall begin to construct its road under the provisions of this act until such certificate is filed with the secretary, and upon filing such certificate said corporation shall pay to the secretary the sum of fifty dollars, which shall be included in his return of fees and paid into the treasury.

Issuance of certificate under 1874, 372, § 29, not prevented.

SECTION 3. Nothing contained in this act shall be construed to prevent the issuing of the certificate of the establishment of a railroad corporation, as provided by section twenty-nine of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four; and this act shall not apply to corporations which have obtained said certificate, but have not commenced the construction of their road.

Amendment to 1874, 372, § 31.

SECTION 4. Section thirty-one of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by striking out the words, "section forty-seven of this act," and inserting instead thereof the words, "this act or of any subsequent act in relation thereto;" and section forty-seven of chapter three hundred and seventy-two of the acts of said year is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 216

AN ACT RELATING TO HAWKERS AND PEDLERS.

Be it enacted, &c., as follows:

Amendment to 1870, 331, § 1.

SECTION 1. So much of section one of chapter three hundred and thirty-one of the acts of the year eighteen hundred and seventy as provides that the forfeiture therein referred to shall not be less than fifty dollars, is hereby repealed.

SECTION 2. Section thirteen of chapter fifty of the General Statutes is hereby amended by inserting after the word "implements," the words "hand tools used in making boots and shoes."

Amendment to
G. S., 50, § 13.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1878.

AN ACT IN ADDITION TO AN "ACT CONCERNING THE CARE AND EDUCATION OF NEGLECTED CHILDREN."

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of every city and town in this Commonwealth of five thousand inhabitants or more, to take action under the first section of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-six, concerning the care and education of neglected children.

Action to be
taken under law
for the protec-
tion of neglected
children.

SECTION 2. The officers and duly appointed agents of the Massachusetts Children's Protective Society, in addition to the persons appointed under the second section of said chapter, are hereby authorized to make complaints in case of violations of the ordinances or by-laws therein referred to.

Officers of Mas-
sachusetts Chil-
dren's Protec-
tive Society may
make com-
plaints.

Approved May 3, 1878.

AN ACT TO REGULATE THE TRANSACTION OF THE BUSINESS OF INSURANCE IN THIS COMMONWEALTH.

Chap. 218

Be it enacted, &c., as follows:

SECTION 1. No person or association of persons, whether associated as a partnership or otherwise, shall within the limits of this Commonwealth undertake or offer to carry on the business of insurance, or make or procure to be made any contract of insurance of any kind upon property belonging to another person, either as principal or agent, except upon license or permission granted as heretofore provided by law, or except as hereinafter provided.

License to be
obtained before
commencing the
business of
insurance.

SECTION 2. Associations of individuals, whether citizens of this Commonwealth or of other states in the United States, formed upon the plan known as Lloyds, (whereby each member underwrites or becomes liable for a part of the whole amount insured by a policy), for the purpose of transacting any kind of insurance other than life insurance, may be authorized to transact business in this Commonwealth, upon like terms, and subject to like restrictions, as are or shall be provided by law for corporations chartered by authority of other states of the United States; but nothing in this act shall be construed to authorize such associations to transact the business of life insurance in

Associations
upon the Lloyds
plan may trans-
act any kind of
insurance other
than life insur-
ance.

this Commonwealth. The insurance commissioner shall have the same powers and duties in connection therewith as are now conferred or imposed upon him in connection with insurance companies organized or incorporated under existing laws.

Subject to provisions requiring returns from and taxes upon agents of companies of other states.

SECTION 3. Such associations and their agents shall be subject to the provisions of law now in force requiring returns from and imposing taxes and excise upon agents of insurance corporations chartered by other states of the United States and doing business in this Commonwealth.

Amount of net assets to be considered amount of capital.

SECTION 4. Such associations and the agents thereof shall be subject to the provisions of all general laws relating to insurance companies of other states of the United States doing business in this state; and for all the purposes of the insurance laws of this Commonwealth the amount of their net assets shall be considered as the capital of such associations.

Penalty.

SECTION 5. Any person violating the provisions of this act shall be liable to a fine of not less than two hundred dollars nor more than one thousand dollars.

SECTION 6. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 219 AN ACT PERMITTING THE ESTABLISHMENT OF A FIRE DISTRICT IN LENOX.

Be it enacted, &c., as follows:

Fire district may be established in town of Lenox.

SECTION 1. A fire district may be established in the town of Lenox, to include the village of Lenox and adjacent territory, sufficient to include at least six hundred inhabitants, with all the powers and liabilities of fire districts organized under chapter twenty-four of the General Statutes.

Subject to a vote of the town.

SECTION 2. Before the district is constituted and organized, a petition shall be presented to the town at a legal meeting, stating the limits of the proposed district, the number of inhabitants, the number of voters, and the amount of taxable property, in said proposed district, as near as the same can be ascertained from the records and statistics of the town. If at said meeting the town shall vote in favor of constituting and organizing said district, the inhabitants of the said district may proceed to constitute and organize the same in accordance with the provisions of chapter twenty-four of the General Statutes.

Board of three commissioners to be chosen by the district.

SECTION 3. The legal voters of the said fire district of the town of Lenox shall, within one year from the organizing of said district, at a meeting called for the purpose,

choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, sidewalks, common sewers, main drains and lamps, all of whom shall be legal inhabitants and voters in said district. Said commissioners shall serve until the next annual meeting of said district, and until others are chosen and qualified in their stead: and said district shall thereafter, at the regular annual meeting of said district, choose by ballot three such commissioners, who shall serve during the ensuing year, and until others are chosen and qualified in their stead. And said district shall have authority to fill any vacancy in said board at any meeting of said fire district regularly called for that purpose. Said commissioners shall be sworn, and shall receive no compensation.

SECTION 4. Said district may, at meetings called for that purpose, raise money for the purpose of carrying out the provisions of this act; and said board shall expend the same for the purposes prescribed by vote of the district, and every member of said board of commissioners shall be accountable to the said district for any money received by him; and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not been duly appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same. But said district shall, during no year, raise by tax any amount of money exceeding one-tenth of one per cent. of the taxable property in said district.

District may raise money by taxation.

Yearly tax not to exceed one tenth of one per cent of taxable property.

SECTION 5. The clerk of the district shall, on or before the first day of May of each year, certify to the assessors of the town of Lenox all sums voted to be raised by the district during the year last preceding under the provisions of this act; which sums shall be assessed and collected by the officers of the town in the same manner as the town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of said district.

Clerk of district to certify to assessors the sums voted to be raised.

SECTION 6. It shall be the duty of said board, under the supervision and direction of said district to construct, reconstruct, erect, repair, maintain, and have charge of all main drains, common sewers, sidewalks, lamp posts, street lamps, and street hydrants in said fire district, and of all

Board to construct main drains, hydrants, &c.

matters pertaining thereto as herein provided ; and to construct such cross walks as may be ordered by said district ; and to keep maps and plans of all such main drains and common sewers.

To determine
grade of side-
walks.

SECTION 7. Said board shall have authority to determine the grade, width, and material, including curbstone, of all sidewalks on the public streets and highways of said district, and to construct, reconstruct, and repair such sidewalks in accordance with such determination. Upon the completion of any sidewalk by said board, or the completion of the reconstruction or repair of any sidewalk, or within one year thereafter, said board shall ascertain, determine and certify the whole expense of such making, reconstruction or repair, and shall cause a record thereof to be made, and shall assess a portion, not exceeding one-half the amount of the same, upon all the lands which abut on such sidewalk so made, reconstructed or repaired.

To regulate
removal of
obstructions
from sidewalks.

SECTION 8. Said board shall have power to determine when, in what manner, and to what extent, snow, ice, grass, herbage, trees and other obstructions, shall be removed from the sidewalks in said district, or from any of the same, or any portion thereof, and to fix by-laws and penalties regulating the same, subject to the approval of said fire district, and also by-laws and penalties prohibiting the deposit of ashes, garbage, filth or other refuse matter, on the street and sidewalks within the limits of said district.

Sidewalks not to
be dug up or ob-
structed with-
out consent of
board.

SECTION 9. No sidewalk graded, constructed, reconstructed or repaired in said district, in conformity to the provisions of this act, shall be dug up or obstructed in any part thereof without the consent of said board ; and whoever rides or drives a horse or team, or drives or leads any neat cattle, or uses any vehicle moved by hand, other than those used for the carriage of children, invalids or persons disabled, upon or along any sidewalk in said district, except to cross the same, or shall dig up or otherwise obstruct the same, without such consent, shall forfeit a sum not less than one nor more than five dollars for each violation of the provisions of this section.

Construction of
crosswalks.

SECTION 10. Said fire district, at meetings called for that purpose, may order said board to construct cross walks in any of the streets in said district on which they have authority to construct sidewalks. Said board shall construct all such cross walks at the expense of said district, and shall repair and reconstruct the same when ordered by said district, and at its expense.

SECTION 11. Said board shall lay, make, reconstruct

and maintain in said district all such main drains and common sewers as said district, at a legal meeting called for that purpose, shall by vote adjudge to be necessary for the public convenience or the public health, and may repair the same from time to time whenever necessary; and for these purposes may take, in the manner hereafter provided, any land, which in their opinion, may be necessary therefor.

Board may take land for laying common sewers.

SECTION 12. All the main drains and common sewers in said district shall be the property of said district, and shall be under the charge and control of said board, who shall have power and authority to regulate the use of the same, and to prescribe the mode, terms and conditions in which the same shall be entered by private drains. And no person shall be allowed to enter or discharge into a main drain or common sewer any private drain, except by leave of said board, and on such terms and conditions as said board shall prescribe; and all such private drains entering any main drain or common sewer shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as though the same were constructed by said board under this act. The provisions of this section shall apply to and govern the use of all sewers and drains in said district, and to the compensation, terms and conditions to be made for such use, whether the same have been heretofore or shall be hereafter constructed.

Main drains and common sewers to be property of district.

Private drains.

SECTION 13. All assessments made by said board, as provided for in this act, shall constitute a lien on the real estate, assessed for two years from the time of assessment, and for one year after the final determination of any suit or proceedings in which the amount or validity of such assessments shall be drawn in question. Every assessment made by said board shall be recorded in books to be kept for that purpose, and a list thereof shall be committed by said board for collection to the person then authorized by law to collect taxes in said town. Said collector shall forthwith publish the same by posting up true and attested copies thereof in three several public places in said district; and shall, within thirty days from said publication thereof, demand payment of the same of the owner or occupant of the land assessed, if known to him, and within his precinct. If any such assessment shall not be paid within three months from the publication of said list, he shall levy the same with incidental costs and expenses by sale of the land, such sale to be conducted in like manner as sales of land for non-payment of town taxes; and in

Assessments by the board to be a lien upon the real estate.

Assessments to be recorded.

Levy for non-payment.

making such sales, and any sales for taxes assessed for said district, such collector, and said district and its officers, shall have all the power and privileges conferred by the General Laws of the Commonwealth upon collectors of taxes, and upon cities and towns, and their officers, relating to sales of land for the non-payment of taxes. The collector shall pay over all moneys received by him under this act to the treasurer of said district in the same manner as moneys received by him from taxes assessed for said district by the assessor of Lenox.

Invalid assessments may be re-assessed.

SECTION 14. Every assessment made by said board which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the aforesaid board of commissioners, for the time being, to the just amount which, and upon the estate upon which such assessment ought at first to have been assessed; and the assessments then re-assessed shall be payable, and shall be collected and enforced in the same manner as other assessments.

Person aggrieved may apply by petition to the superior court.

SECTION 15. Any person aggrieved by an assessment made by said board may, at any time within three months from the publication of the list of such assessment, as provided in the preceding section, apply by petition to the superior court for the county of Berkshire; and after due notice to the said fire district, a trial shall be had at the bar of said court, in the same manner in which other civil causes are there tried by the jury; and if either request it, the jury shall view the place in question. And such petition may be filed in term time or vacation; and if filed in vacation the clerk may issue an order of notice thereon, returnable to the term of the court next to be held after thirty days therefrom: *provided*, that before filing said petition, the petitioner shall give one month's notice in writing to said board of his intention so to apply, and shall therein particularly specify his objection to the assessments; and to such specification he shall be confined in the hearing by the jury. If the jury shall not reduce the amount of the assessment complained of, the respondent shall recover costs against the petitioner, which costs shall be a lien upon the estate assessed, and be collected in the same manner as the assessment; but if the jury shall reduce the amount of the assessment, the petitioner shall recover costs.

Trial by a jury.

Costs to be a lien upon estate assessed.

Description of land taken to be

SECTION 16. Whenever land is taken by virtue of the provisions of section eleven, the said board shall within

sixty days after any such taking, file in the registry of deeds of the middle district of the county of Berkshire a description of any lands so taken sufficiently accurate for identification, and a statement of the purpose for which it is taken; and the right to use all lands so taken for the purposes mentioned in said statement shall vest in said fire district and its successors. Damages for land so taken shall be paid by said fire district; and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of damages, may upon a petition filed with the county commissioners of the county of Berkshire within one year from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways; and if either party is not satisfied with the award of damages by the county commissioners, and shall apply for a jury to revise the same, the fire district shall pay the damages awarded by the jury, and shall pay costs if the damages are increased by the jury, and shall recover costs if the damages are decreased; but if the jury shall award the same damages as were awarded by the county commissioners, the party who applied for the jury shall pay costs to the other party.

filed in the registry of deeds.

Damages.

SECTION 17. Penalties under the provisions of this act, and under any by-laws established in pursuance thereof, may be recovered by action of tort brought by direction of said board in the name of and for the use of said district, or on complaint or indictment to the use of the Commonwealth: *provided*, that no such action, complaint or indictment shall be maintained, unless brought within thirty days after the right of action accrues, or the offence is committed. No inhabitant of the district shall be disqualified, by reason of his being such inhabitant, to act as judge, magistrate, juror or officer, in a suit brought for such penalty.

Recovery of penalties.

SECTION 18. The provisions of all general laws of the Commonwealth applicable to fire districts, and not inconsistent with this act, shall apply to the fire district of the town of Lenox organized as herein provided. Nothing herein contained shall be construed to interfere with the authority of surveyors of highways, or any authority of the town or its agents, which can be legally exercised over highways or roads. But the town of Lenox shall repair any injury done to sidewalks in said district by the officers of said town by reason of any raising, lowering, or other act done for the purpose of repairing a highway or town-

General provisions of law to apply.

Town to repair injury done to sidewalks by officers of the town.

Authority of town to construct sidewalks.

way ; and whenever any cross walk shall be torn up or injured by the officers of the town of Lenox in making, repairing, altering, raising or lowering any highway or town-way, said town shall relay and repair such cross walk in like order and condition as the same was in before it was torn up or injured. The authority of the town of Lenox to construct sidewalks, and main drains, and common sewers, within the limits of said district, shall be suspended while this act is in force ; but this act shall in no wise affect the liability of the town for any damages caused within the limits of its highways.

SECTION 19. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 220 AN ACT TO AMEND THE ACT TO SUPPLY THE TOWN OF HOLYOKE WITH PURE WATER.

Be it enacted, &c., as follows :

Water commissioners to choose a treasurer, who shall give bond.

SECTION 1. The water commissioners of the city of Holyoke shall choose a treasurer, who shall hold his office for the term for which he shall be elected and until a successor shall be chosen, who shall give a bond to the satisfaction of said commissioners, conditioned for the proper discharge of his duties.

Trustees of sinking fund to choose a treasurer, who shall give bond.
1872, 62, § 7.

SECTION 2. The trustees of the sinking fund mentioned in the last clause of section seven of chapter sixty-two of the acts of the year eighteen hundred and seventy-two, shall choose a treasurer, who may be the city treasurer, and who, under the direction of said trustees, shall have the receipt, custody and disbursement of all moneys belonging to said fund, and shall give a bond to the satisfaction of said trustees for the proper discharge of his duties.

Trustees to invest sums contributed to sinking fund.

SECTION 3. The said trustees shall receive all sums contributed to a sinking fund, and invest and re-invest the same, and the income thereof as it shall accrue, in the name of the board, in the particular scrip, notes or bonds for the redemption of which such sinking fund was established, or in other bonds of said city which are secured by sinking funds, or in the securities in which by law the funds of savings banks may be invested, except personal securities ; but no portion of the same shall be loaned to the city except as herein provided ; and the trustees may sell and re-invest such securities when required, in their judgment, for the good management of the fund.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its acceptance by the city council of said city.

Subject to acceptance by city council.

Approved May 3, 1878.

AN ACT TO AUTHORIZE THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION TO ERECT A WOODEN BUILDING IN THE CITY OF BOSTON.

Chap. 221

Be it enacted, &c., as follows:

SECTION 1. The Massachusetts Charitable Mechanic Association is hereby authorized to erect a wooden building in the city of Boston, for an exhibition of mechanic and other arts; the said building to be erected under the direction of the inspector of buildings of Boston, and shall be provided with such facilities for the prevention of fire and for the protection of adjoining and adjacent buildings, as may be required by said inspector; and the said wooden building shall be removed by said association whenever ordered by the board of aldermen of said city, and in any event, not later than the first day of March in the year eighteen hundred and seventy-nine; and for the purpose aforesaid the said association is authorized, under the direction of the committee on paving of the city of Boston, to cover over and build upon that portion of Eliot Street extending from Pleasant Street to Columbus Avenue in said city.

May erect a wooden building in Boston for an exhibition of mechanic arts.

Subject to removal by order of the Aldermen.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1878.

AN ACT TO AUTHORIZE THE GRANT TO ALBERT G. BROWNE OF A CERTAIN RIGHT OF WAY OVER LAND OF THE COMMONWEALTH IN THE TOWN OF NORTH ADAMS.

Chap. 222

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, may exchange with Albert G. Browne certain rights of way over the line of the Troy and Greenfield Railroad, near the west end of the Hoosac Tunnel in the town of North Adams, as set forth in the agreement of said Browne, bearing date the twenty-first day of March eighteen hundred and seventy-eight and witnessed by Edward Hamilton.

Exchange of certain rights of way in North Adams.

SECTION 2. The treasurer and receiver-general may convey by proper instrument in writing the rights of way herein mentioned to be conveyed to said Browne on behalf of the Commonwealth, on receipt from said Browne of the conveyances mentioned in his said agreement, in manner and form satisfactory to the governor and council.

Treasurer may execute conveyance.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 223 AN ACT RELATING TO THE EXPENSES OF THE OFFICE OF INSPECTOR OF GAS METERS AND OF ILLUMINATING GAS.

Be it enacted, &c., as follows:

Amendment to
1561, 168, § 3.

SECTION 1. Section three of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and sixty-one, is hereby amended by inserting after the word "thereafter," the following words, "together with any expenses incurred under section seven of said act."

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 224 AN ACT TO FURTHER REGULATE FISHING IN THE CONNECTICUT RIVER.

Be it enacted, &c., as follows:

Fish not to be
taken within
two hundred
yards of a fish-
way.

SECTION 1. Section three of chapter one hundred and forty-four of the acts of the year eighteen hundred and seventy-four, is hereby amended by striking out the word "four," where it first occurs in said section, and inserting in lieu thereof the word "two."

May be taken
with hook and
line beyond two
hundred yards
and within four
hundred yards
of a fish-way.

SECTION 2. Whoever takes or catches any fish beyond two hundred yards and within four hundred yards of any fish-way now built, or hereafter to be built on the Connecticut river or its tributaries lying within this Commonwealth in any other manner than by naturally or artificially baited hooks and line, shall forfeit for each fish so taken or caught the sum of twenty-five dollars.

Time for taking
black bass.

SECTION 3. The limitation of time for catching black bass in the Connecticut river or its tributaries, in this state, shall hereafter be the same as that now fixed, or which shall hereafter be prescribed by the legislature of Connecticut for taking black bass in said river in that state.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1878.

Chap. 225 AN ACT IN RELATION TO THE VENUE OF ACTIONS FOR THE COLLECTION OF TAXES IN THE CITY OF BOSTON.

Be it enacted, &c., as follows:

Collection of
taxes in the city
of Boston.

SECTION 1. The provisions of sections six and seven of chapter one hundred and twenty-three of the General Statutes shall apply also to suits brought by the collector of the city of Boston under sections nineteen and twenty of chapter twelve of the General Statutes.

SECTION 2. This act shall not apply to any suit now pending.

Approved May 6, 1878.

AN ACT REQUIRING CERTAIN REPORTS AND ESTIMATES OF EXPENSE FROM THE MANAGER OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Chap. 226

Be it enacted, &c., as follows :

SECTION 1. The monthly report of the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, required by section one of chapter seventy-seven of the acts of the year eighteen hundred and seventy-five, shall contain a full, specific and detailed statement of expenses incurred on account of said road and tunnel, with a reference to the provision of law under which said expense is authorized.

Detailed statement of expenses to be made by manager in his monthly report.

SECTION 2. Said report shall contain a statement of all sums paid for salaries and for labor, and a list of the persons to whom such have been paid.

Sums paid for salaries and labor.

SECTION 3. Said manager shall make a like report to the legislature annually, on or before the first Wednesday of January ; which report shall likewise contain a detailed estimate of all sums to be required during the year then next ensuing, and the reasons for the same.

Annual report to legislature.

Estimate for ensuing year.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1878.

AN ACT TO AUTHORIZE THE PURCHASERS OF THE FRANCHISE OF THE SPRINGFIELD, ATHOL AND NORTH-EASTERN RAILROAD TO ORGANIZE A CORPORATION, AND OPERATE THE ROAD.

Chap. 227

Be it enacted, &c., as follows :

SECTION 1. Whenever the trustees under the mortgages of the Springfield, Athol and North-eastern Railroad Company shall, by virtue of the powers therein contained, sell the property and franchises of the mortgagor for the purpose of foreclosure, the purchaser or purchasers shall, on the completion of the conveyances to him or them, provided he or they have purchased the property and franchises covered by both the mortgages now held against said company, be with his or their associates and successors, a corporation under the name of "The Springfield and North-eastern Railroad Company," with all the rights, powers, privileges and franchises of the mortgagor, and free from any liability or debts incurred by the mortgagor ; and the said corporation shall be subject to all the general laws relating to railroad corporations not inconsistent with the provisions of this act.

When franchise and property is sold, new corporation to be formed.

SECTION 2. Within thirty days after the last sale as aforesaid, if the same parties have become purchasers at

Meeting of bondholders for

organizing corporation.

each of said sales, a meeting of the bondholders of said Springfield, Athol and North-eastern Railroad Company shall be held at some convenient place on the line of said railroad, after notice signed by one or more of the purchasers at said sale, and by the trustees under each of the mortgages, and published for a period of fourteen days prior to the day of said meeting in at least one newspaper printed in each county in which said railroad has a location; which notice shall set forth that said meeting is for the purpose of organizing the corporation under the provisions of this act.

Each bondholder may receive proportionate amount of capital stock.

SECTION 3. Each bondholder, who at the meeting provided for in the preceding section shall signify in writing his election so to do, shall be entitled to receive in payment of his bonds a proportionate amount of the capital stock of the corporation, to be determined as follows, to wit: the whole capital stock shall be divided into two parts for the bondholders under the respective mortgages, which shall bear the same proportion to each other that the price paid at the said sale under one mortgage bears to the price paid at the said sale under the other mortgage, and each bondholder shall be entitled to receive the same proportion of the capital stock set apart for the bondholders under the same mortgage, that the amount of his bonds with the interest thereon bears to the whole amount of bonds and interest secured by said mortgage. If he fails so to signify his election he shall receive his ratable proportion of the proceeds of the sale, according to the provisions of said mortgage. And the stockholders, both by subscription and surrender of bonds, shall at said meeting organize the corporation by the choice of a clerk and a board of directors in accordance with law; and may transact any other business that may be required to complete the organization of the corporation or to carry into effect the purposes and provisions of this act: *provided, however*, that the capital stock of the said corporation shall not be more than ten thousand dollars in excess of the entire amount paid for all the before named property and franchises at said sales.

Failing to take stock, shall receive ratable proportion of proceeds of sale.

Organization of corporation.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1878.

Chap. 228 AN ACT RELATING TO PAYMENTS FOR BURIAL PURPOSES FROM THE ESTATES OF DECEASED PERSONS.

Be it enacted, &c., as follows:

SECTION 1. Probate courts, in the settlement of the

estates of deceased persons, may allow as a part of the funeral expenses a reasonable sum expended for a monument and burial lot for such persons.

Allowance for funeral expenses.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1878.

AN ACT RELATING TO THE SALE OF REAL ESTATE TAKEN FOR TAXES.

Chap. 229

Be it enacted, &c., as follows:

SECTION 1. No sale heretofore made of real estate taken for taxes shall be held invalid by reason of the notice of sale having contained the words "or such undivided portions thereof as may be necessary," or the words "or such undivided portions of them as may be necessary:" *provided, however*, that this act shall not apply to any case wherein proceedings at law or in equity have been commenced involving the validity of such sale, nor to any real estate which has been alienated since the eighth day of February of the current year and before the passage of this act.

Sale of real estate taken for taxes.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1878.

AN ACT RELATING TO THE APPOINTMENT AND REMOVAL OF GUARDIANS OF MINORS.

Chap. 230

Be it enacted, &c., as follows:

SECTION 1. Upon the application of the mayor of any city, or the selectmen of any town, or the overseers of the poor of any city or town, probate courts may, within their respective jurisdictions, pending any proceedings before them for the appointment of a guardian under the provisions of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and seventy-three, or for the removal of any guardian of any minor, appoint some suitable person to be temporary guardian of such minor during the pendency of such proceedings; and the person appointed such temporary guardian shall have the custody and control of such minor until such proceedings shall be concluded: *provided, however*, that the probate court having jurisdiction may at any time with or without notice terminate such temporary guardianship.

Temporary guardian may be appointed during proceedings under 1873, 367.

Removal of guardian.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1878.

Chap. 231 AN ACT TO EXTEND THE LAW ENABLING THE COURTS TO REPORT QUESTIONS OF LAW FOR THE DETERMINATION OF THE SUPREME JUDICIAL COURT:

Be it enacted, &c., as follows:

Question of law arising at a trial by court without a jury, may be reported for the determination of the supreme judicial court.

SECTION 1. The supreme judicial court and the superior court respectively may, in any case where the trial is by the court without a jury, after the finding upon the facts, report any question of law arising at the trial for the determination of the supreme judicial court in like manner as if a verdict had been rendered.

Repeal of 1869, 435.

SECTION 2. Chapter four hundred and thirty-eight of the acts of the year eighteen hundred and sixty-nine is hereby repealed, but this repeal shall not affect any case pending before the court upon a report under said act, when this act takes effect. *Approved May 8, 1878.*

Chap. 232 AN ACT TO AMEND CHAPTER FORTY-EIGHT OF THE GENERAL STATUTES RELATING TO SEWERS AND DRAINS.

Be it enacted, &c., as follows:

Assessments for entering into main drains.

SECTION 1. Section four of chapter forty-eight of the General Statutes is hereby amended by inserting before the words "to be ascertained" the words "and of the charge, not already assessed, of making and repairing other main drains and common sewers through which the same discharges."

Plans of drains and record of assessments to be kept in clerk's office.

SECTION 2. Plans and descriptions of all main drains and common sewers, belonging to any city or town, with a true record of the charges of making and repairing the same, and of all assessments therefor, shall be kept in the office of the clerk of such city or town.

Cities and towns may adopt systems of sewerage.

SECTION 3. The city council of any city and the legal voters of any town in a meeting called for that purpose, may adopt a system of sewerage to apply to any part or the whole of the territory of such city or town, and may provide that the assessment authorized by said section four shall be made upon the owners of the estates embraced in such system, by a fixed uniform rate, based upon the estimated average cost of all the sewers therein, according to the number of feet of frontage their estates have on any street or way where a sewer is constructed, or according to the number of feet of area their said estates contain within a fixed depth from such street or way, or both, according to such frontage and area, which rate when adopted shall not be changed.

SECTION 4. This act shall take effect upon its passage.

Approved May 8, 1878.

AN ACT TO AMEND AN ACT RELATING TO ELECTIONS.

Chap. 233

Be it enacted, &c., as follows:

SECTION 1. Chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four is hereby amended by striking out the word "ten" wherever it occurs in section seven, and inserting in place thereof the word "fifteen;" and by striking out the words "opening of the polls," in section ten, and inserting in place thereof the words "close of registration."

Amendment to 1874, 376, §§ 7, 10.

SECTION 2. The mayor and aldermen of cities shall be in session until ten o'clock in the afternoon on the day when registration ceases, and for as much longer time previous thereto as they judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote, and of correcting the list of voters; and they shall give notice of the time and place of holding the sessions, upon lists of voters posted up as required by section seven of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four as amended by this act; and shall also, in said notices to the inhabitants of a meeting for any election, state the day of the month when registration will cease; and also, that after the close of registration no name will be entered on the check list except as provided by section ten of said chapter three hundred and seventy-six as amended by this act.

Mayor and aldermen to be in session until 10 o'clock p.m. on the day when registration ceases.

Notice of time and place of holding sessions.

SECTION 3. Section nine of chapter three hundred and seventy-six of the acts of the year eighteen hundred and seventy-four, and chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-five, are hereby repealed.

Repeal of 1874, 376, § 9. 1875, 188.

Approved May 10, 1878.

AN ACT RELATING TO THE DISTRIBUTION OF THE ANNUAL INCOME OF THE SCHOOL FUND, AND TO PROVIDE FOR REPORTS BY SCHOOL COMMITTEES.

Chap. 234

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-five is hereby amended by inserting after the words "and of any amendments to either of said sections," the words "and the laws of the Commonwealth relating to truancy": *provided, however*, that this act shall not affect the apportionment and distribution of the annual income of the school fund prior to the year eighteen hundred and eighty.

Distribution of school fund. 1865, 142, § 1.

SECTION 2. It shall be the duty of the various school

Truants and
absentees.

committees annually to report to the secretary of the board of education whether their respective cities and towns have made the provisions and arrangements relating to truants and absentees required by law. *Approved May 10, 1878.*

Chap. 235 AN ACT CONCERNING FEES OF SPECIAL AND TRIAL JUSTICES IN INQUESTS.

Be it enacted, &c., as follows:

Fees of justices
in inquests.

SECTION 1. The fees of justices of municipal, district and police courts and trial justices for the services specified in chapter two hundred of the acts of the year eighteen hundred and seventy-seven, shall be as follows, viz.: — For receiving and filing a duly attested copy of record of autopsy under the ninth section of said chapter, fifty cents; for each subpoena issued, ten cents; for each day's attendance in holding the inquest, five dollars; for recognition of witnesses, twenty cents; and for drawing up and filing report in superior court, five dollars; said fees having been audited by the district attorney to be paid from the treasury of the county: *provided*, that no fees shall be allowed or paid to justices of municipal, district or police courts, who receive a salary. This act shall apply to cases that have now arisen, or shall hereafter arise under said act.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1878.

Chap. 236 AN ACT IN RELATION TO THE FORMATION OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

Capital stock to
be not less than
\$10,000 for each
mile.

SECTION 1. Section twenty of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four is amended by striking out the word "fifteen," and inserting instead thereof the word "ten."

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1878.

Chap. 237 AN ACT TO ESTABLISH THE COMMONWEALTH'S FLATS IMPROVEMENT FUND.

Be it enacted, &c., as follows:

The "Common-
wealth's Flats
Improvement
Fund," estab-
lished.

SECTION 1. The moneys already received, and those which may be hereafter received, from the sales or use of the Commonwealth's lands at South Boston, except so much thereof as has already been placed to the credit of the sinking funds, shall be placed to the credit of a fund, which shall be called the "Commonwealth's Flats Improvement Fund"; and said fund may be invested by the

treasurer of the Commonwealth, at his discretion from time to time, in the same manner as is now provided by law for the investment of the Commonwealth's funds; and all income from such investments shall be added to the fund.

SECTION 2. For the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston, and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five, there is hereby appropriated the sum of two hundred thousand dollars from the fund established by this act; and the treasurer is authorized from time to time, as money shall be needed for said purposes, to sell such portions of the securities in which said fund is invested as may be necessary to meet the expenditures incurred by authority of this act.

Appropriation
of \$200,000 from
the fund.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1878.

AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO
BORROW MONEY FOR CERTAIN PURPOSES.

Chap. 238

Be it enacted, &c., as follows:

SECTION 1. The town of West Springfield is hereby authorized to issue bonds, not exceeding in amount the sum of twenty-five thousand dollars, payable in twenty years from the date thereof and bearing interest at a rate not exceeding six per centum per annum, for the payment of the amount imposed upon said town under chapter one hundred and thirty of the acts of the year eighteen hundred and seventy-two, entitled "An Act to establish a Free Bridge across the Connecticut River, between Springfield and West Springfield."

May issue bonds
not exceeding
\$25,000.

SECTION 2. The provisions of chapter two hundred and nine of the acts of the year eighteen hundred and seventy-five, in regard to a sinking fund for the payment of debts contracted in constructing general sewers, and the acts amendatory thereof, shall apply to this act; and said town of West Springfield is hereby required to create a sinking fund in accordance therewith, for the payment of said bonds at their maturity.

Sinking fund for
payment of
bonds at matur-
ity.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1878.

Chap. 239 AN ACT TO REVISE THE CHARTER OF THE CITY OF FALL RIVER.*Be it enacted, &c., as follows:*

City charter revised.

SECTION 1. The inhabitants of the city of Fall River, for all the purposes for which towns and cities are by law incorporated in this Commonwealth, shall continue to be a body politic and corporate, in fact and in name, under the style and denomination of "The City of Fall River"; and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said city as a municipal corporation.

Government vested in mayor and city council.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of the said city, with the government thereof, shall be vested in one municipal officer, to be called the mayor; one council of six, to be called the board of aldermen; one council of eighteen, to be called the common council; which bodies, in their joint capacity, shall be called the city council; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices.

Division of city into wards.

SECTION 3. The city council may in the year eighteen hundred and eighty, and not oftener than once in five years thereafter, revise, and if needful make a new division of the city into such number of wards, not less than six nor more than twelve, as said council shall deem the interests of the city may require; and the said wards shall be so constituted as to contain, as nearly as may be consistent with well defined limits to each ward, an equal number of qualified voters in each ward, according to a census of voters which shall be taken in the month of May in said years; but no such division of wards shall have the effect to change the boundary lines of any representative district previously established; and until such revision be made the boundary lines of the wards of the said city shall remain as now established: *provided*, that in case the number of said wards shall be increased, each ward shall be entitled to one alderman and three common councilmen.

Warrants for meetings for municipal purposes to be issued by mayor and aldermen.

SECTION 4. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may by ordinance direct. All elections shall be had at meetings of the citizens qualified to vote therein in their respective wards, at the times duly fixed

for such elections respectively. The mayor and aldermen shall, within two days after such elections, examine and compare the returns, and make out certificates of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

Mayor and aldermen to make certificates of election.

SECTION 5. The citizens entitled to vote for state officers shall, on the Tuesday next after the first Monday of December, annually, meet together in their several wards, at such place and hour as the mayor and aldermen may by their warrants appoint, and give in their ballots for mayor, aldermen, common councilmen and ward officers, all of whom shall hold their offices for the municipal year next following said meeting and until others shall have been chosen and qualified, and in the case of aldermen and common councilmen until a majority of both branches shall have been chosen and qualified; and the municipal year shall begin on the first Monday in January following. If the choice of aldermen, common councilmen or ward officers, shall not be effected on that day in any ward by reason of two or more persons receiving the same number of ballots for the same office, the mayor and aldermen shall forthwith cause a warrant to be issued to complete such election.

Annual election.

SECTION 6. The mayor shall be an inhabitant and qualified voter of the city, and shall be elected by the qualified voters of the city at large. One alderman, three common councilmen, and the following ward officers, viz.: — a warden, clerk, and three inspectors of elections, who shall be different persons, shall be elected by the qualified voters of each ward, and shall be inhabitants and qualified voters of the wards where elected.

Mayor to be an inhabitant and qualified voter in the city. One alderman and three councilmen to be elected in each ward.

SECTION 7. The warden, clerk and inspectors shall respectively make oath or affirmation faithfully and impartially to perform their several duties, which oath or affirmation may be administered by the clerk to the warden, and by the warden to the clerk and inspectors, or to either of said officers, by any justice of the peace; and a certificate thereof shall be entered on the records of the ward by the clerk. It shall be the duty of the warden to preside at all ward meetings with the power of moderators of town meetings, and to assort, count and declare, in open ward meeting, all ballots given in at such meeting. It shall be the duty of the clerk to record all proceedings,

Ward officers to be sworn.

Duties of warden.

Duties of clerk.

and certify the ballots given in at any election, in a book to be provided by the city for that purpose; to enter upon the ward records, in open ward meeting, the names of all persons receiving votes, the number of votes cast for each person, written in words at length, and the title of the office for which he is proposed; and a transcript of such record, certified by the warden, clerk and a majority of the inspectors, shall forthwith be delivered by such ward clerk to the city clerk. On the expiration of his term of office, the ward clerk shall deliver all books, records, documents, papers and other things held by him in his capacity as said clerk, to the city clerk, by whom such of them as need be shall be delivered to the new ward clerk. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the ballots given in at any election.

Duties of inspectors.

Ward officers may be chosen *pro tempore*.

SECTION 8. If at any meeting the warden shall not be present, the clerk of said ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen; and if at any meeting the clerk shall not be present a clerk *pro tempore* shall be chosen; and if both the warden and clerk shall be absent, the senior in age of the inspectors of elections of said ward present may preside until a warden *pro tempore* shall be chosen; and in case of the absence of all said officers, the constable who returns the warrant may call the meeting to order, and preside until a warden *pro tempore* shall be chosen; and whenever any of the inspectors shall be absent his office shall be filled *pro tempore*. All ward officers shall be chosen by ballot.

City clerk to enter copies of records upon the journal of aldermen.

SECTION 9. It shall be the duty of the city clerk forthwith to enter the copies of the records of the several wards received from the ward clerks, certified as aforesaid, or a plain and intelligible abstract of them, upon the journal of the board of aldermen, or a book kept for that purpose.

Election of mayor.

SECTION 10. Within two days after any election for mayor, the board of aldermen shall examine the returns of votes from the several wards, and shall cause the person who received the highest number of votes for mayor to be notified in writing of his election. If it shall appear by said returns that no person is elected, or if the person elected omits or declines to accept the office within seven days after the notification aforesaid, the board shall cause the fact to be entered upon the records of the city, and shall issue their warrant for a new election; and the same

proceedings shall be had in all respects as are provided with reference to the first election for mayor: and so on, from time to time, until a mayor is chosen who accepts the office.

SECTION 11. The mayor shall be the chief executive officer of said city. It shall be his duty to be vigilant and active in causing the laws, ordinances and regulations of the city to be duly executed and enforced, to exercise a general supervision over the conduct and acts of all subordinate officers, to examine into all complaints preferred against them for violation or neglect of duty, and as far as is in his power, cause all negligence, carelessness, or violation of duty, to be duly prosecuted and punished; and whenever in his judgment the good of the city may require it, he may call meetings of the city council, or either branch thereof, by causing a written notice to be left at the place of residence of each member, or delivered to him in person, although the meeting of said branches, or either of them, may stand adjourned to a more distant day; and he shall perform such other duties as the city council may legally and reasonably require. The mayor, from time to time, shall communicate to the city council or either branch thereof, all such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, government and ornament of the city. He shall when present preside in the board of aldermen and in convention of the two branches of the city council, but shall have no right to vote. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have exclusive power of nomination, subject however to confirmation or rejection by the board of aldermen; but if a person so nominated shall be rejected, it shall be the duty of the mayor to make another nomination within one month from the time of such rejection.

Mayor to be chief executive officer.

To preside in convention and in the board of aldermen.

SECTION 12. The persons returned to serve as aldermen and members of the common council shall on the first Monday of January, at ten o'clock in the forenoon, meet in their respective rooms; the board of aldermen shall be called to order by the mayor elect, or in his absence by the senior member; the common councilmen shall be called to order by the senior member; and on the appearance of a quorum of each branch notice shall be communicated to the other of that fact and the two branches shall then forthwith meet in convention. If no mayor who accepts

Qualification of mayor, aldermen and common councilmen.

the office has been chosen prior to said first Monday in January, the city clerk shall read the record of that fact in presence of the persons assembled; otherwise the oath of office shall be administered to the mayor elect by the city clerk, or by any justice of the peace. The oath of office shall be administered to the members present by the mayor, or by any justice of the peace; and a certificate thereof shall be entered in the journals of the board of aldermen and of the common council by their respective clerks.

Aldermen to choose chairman, who shall preside in the absence of mayor.

SECTION 13. After the organization of the city government as aforesaid the two branches shall separate, and the persons chosen and qualified as aldermen shall meet; and when a quorum shall be present said board shall proceed to choose one of their number as permanent chairman, who shall in the absence of the mayor preside at all meetings of said board; and in convention of the two branches, and in case of any vacancy in the office of mayor for any cause, he shall exercise all the powers and perform all the duties of said office as long as such vacancy shall continue; and he shall always have a vote in said board, and in convention of the two branches, but shall not in addition have a casting vote. In the absence of the mayor, and chairman of the board of aldermen, said board may choose a chairman *pro tempore*.

Chairman *pro tempore*.

President of common council.

SECTION 14. The persons chosen and qualified as common councilmen shall meet and act together as a separate body, distinct from the board of aldermen, except in those cases in which the two bodies meet in convention; and the common council shall have power from time to time to choose by ballot one of their number as president, who shall preside over their deliberations, and preserve order and decorum therein. The city auditor shall be clerk of the common council, and shall be sworn to the faithful discharge of his duties as such. It shall be the duty of the clerk to attend said council when the same is in session: to keep a journal of its acts, votes and proceedings; and to perform such other duties in said capacity as said council may require. In the absence of the clerk, a clerk *pro tempore* may be chosen, and shall be duly qualified.

City auditor to be clerk of council.

Clerk *pro tempore*.

Election to fill vacancy in office of mayor.

SECTION 15. In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the board of aldermen and common council shall respectively by vote declare that a vacancy exists in said office, and the cause thereof; whereupon the board of

aldermen shall issue their warrants in due form for the election of mayor, and the same proceedings shall be had as are herein before provided for the choice of mayor; and the mayor thus elected shall hold his office during the remainder of the municipal year, and until another is chosen and qualified in his stead: *provided, however*, that when such vacancy occurs on or after the first day of October in any year, it shall be discretionary with said board of aldermen and common council to order, or not to order, an election to fill such vacancy.

SECTION 16. Whenever it shall appear to the board of aldermen that there is a vacancy, by removal from the city, or by death, resignation, or any other cause, in the board of aldermen or common council, it shall be the duty of the board of aldermen to issue their warrants to fill such vacancy, and the same proceedings shall be had as are herein before prescribed for the election of aldermen and common councilmen; and the person elected to fill such vacancy shall be sworn to the faithful discharge of the duties of his office, and may serve for the unexpired term. But in case of a vacancy in the common council such warrant shall not be issued until the board of aldermen receive notice thereof from said council.

Vacancy in board of aldermen or common council.

SECTION 17. Any person chosen a member of the board of aldermen or of the common council who shall not be qualified at the organization of the city council on the first Monday in January, or who after said organization shall be elected to fill a vacancy in either of said boards, may be qualified at any time by the mayor, in presence of the board of aldermen.

Aldermen and councilmen not qualified at organization of city council may be qualified subsequently.

SECTION 18. Each board shall keep a record of its proceedings, and judge of the returns, elections and qualifications of its own members.

Records of proceedings.

SECTION 19. A majority of each branch of the city council shall constitute a quorum for doing business.

Quorum.

SECTION 20. The city council shall fix the compensation of all officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth; and all sums of money received by any officer in his official capacity from any source shall be duly accounted for and paid over to the city treasurer monthly: *provided*, that no compensation shall be paid to members of the common council; and *provided, further*, that the salary of the mayor shall not be changed after the last Monday in November.

City council to fix compensation of all officers.

SECTION 21. No member of the board of aldermen or

Aldermen and councilmen not to hold office, salary of which is paid by city.

common council shall at the same time hold any office of emolument the salary of which is paid from the treasury of the city; and the acceptance of any such office by any alderman or common councilman shall be deemed and taken to be a resignation of his seat, and the place so vacated shall be filled as herein before provided.

Money not to be paid from treasury unless appropriated.

SECTION 22. The city council shall take care that money shall not be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of all city buildings, and the custody and management of all city property, with power to let or sell what may legally be let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may in their judgment require it; and the city council shall as often as once a year, cause to be published for the use of the inhabitants of the city, a particular account of receipts and expenditures and a schedule of city property and the city debts.

Executive power of city, vested in mayor and aldermen.

SECTION 23. The executive power of said city generally, together with the administration of the police, and all the powers vested in the selectmen of towns by the laws of the Commonwealth, shall be and hereby are vested in the mayor and aldermen as fully as if the same were herein specially enumerated; and the mayor and aldermen shall have full and exclusive power and authority to appoint a city marshal and such number of assistant marshals, constables and police officers, as they shall deem expedient; and the same may be removed by the mayor and board of aldermen when such officers do not faithfully and efficiently perform their duties. The mayor and aldermen may require any person who may be elected or appointed marshal or constable of the city to give bonds for the faithful discharge of the duties of his office, with such surety and to such an amount as they may deem reasonable and proper, upon which bonds the like proceedings and remedies may be had as are by law provided in the case of constables' bonds taken by the selectmen of towns.

Powers to be exercised by concurrent vote.

SECTION 24. All other powers vested in the inhabitants of towns in this Commonwealth, and all powers granted by this act, shall be vested in the mayor, aldermen and common councilmen of said city, to be exercised

by concurrent vote, each board to have a negative upon the other; but the city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city clerk, a city treasurer, collector of taxes, auditor, city solicitor, city physician, and one or more surveyors of highways, and shall in such manner as the city council may determine by ordinance made for that purpose, elect all other officers necessary for the good government, peace and health of the city, not herein otherwise directed, who shall hold their offices for the term of one year from the first Monday of March of each year and until their successors shall be chosen and qualified: *provided, however*, that any officer elected by the city council may be removed at any time by said council for sufficient cause; and in case of the death, resignation or removal of any officer elected by the city council, his place may be filled in the manner provided in this section for the election of city officers, and any person so elected shall hold office only for the unexpired term.

Election of city officers.

Removal from office.

SECTION 25. The city clerk shall be sworn to the faithful discharge of the duties of his office. He shall have charge of all journals, records, papers and documents of the city, sign all warrants issued by the mayor and aldermen, and do such other acts in his said capacity as the city council may lawfully and reasonably require of him; and shall deliver all journals, records, papers and documents, and other things intrusted to him as city clerk, to his successor in office. He shall also perform all the duties and exercise all the powers by law incumbent upon or vested in clerks of towns of this Commonwealth. He shall be clerk of the board of aldermen; shall attend said board when the same is in session, and keep a journal of its acts, votes and proceedings; also of the city council when in convention. He shall engross all the ordinances passed by the city council in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances; and he shall perform such other duties as shall be prescribed by the board of aldermen. In case of the temporary absence of the city clerk, the mayor by and with the advice and consent of the board of aldermen may appoint a clerk *pro tempore*, who shall be duly qualified.

City clerk to be sworn, and have charge of all records of the city.

To be clerk of board of aldermen.

Clerk pro tempore.

Assessors of taxes.

SECTION 26. The city council shall elect by joint ballot, in convention, three persons to be assessors of taxes, one to serve one year, one to serve two years, and one to serve three years, from the first Monday of March next follow-

ing, and until their successors are respectively chosen and qualified. In each succeeding year, as soon after the organization of the city council as may be convenient, said council shall elect by joint ballot, in convention, one assessor of taxes, who shall hold his office for the term of three years from the first Monday in March in said year, and until his successor is chosen and qualified. The assessors thus chosen shall constitute the board of assessors for the city, and shall exercise the powers, and be subject to the duties and liabilities, of assessors of towns in this Commonwealth, and shall be sworn to the faithful performance of the duties of their office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish additional provisions not inconsistent therewith.

School committee.

SECTION 27. The members of the school committee shall be elected by the qualified voters of the city, at meetings held in the several wards on the Tuesday next after the first Monday of December annually, and shall serve for the term of three years from the first Monday in January next ensuing. The board of school committee shall consist of the mayor, *ex officio*, who shall be chairman of the board, and twelve other members, six of whom shall be selected at large, and one of whom shall be selected from each of the wards of the city, one-third of whom shall be elected annually, in such manner as the city council by ordinance may determine: *provided*, that all said members shall be elected on a general ticket, and that at the first election held after this act takes effect the whole number shall be elected, and shall be divided into classes to serve for one, two and three years, as may be prescribed by such ordinance. In case the number of wards shall be increased the city council may by ordinance increase the number of the school committee, so that each additional ward shall be entitled to one member thereof.

Overseers of the poor.

SECTION 28. The overseers of the poor shall consist of the mayor and the board of aldermen, who shall appoint an agent, define his duties and fix his compensation. Said overseers shall have all the powers heretofore conferred upon the overseers of the poor of the city of Fall River, and all the powers of overseers of the poor in towns, but shall receive no compensation for their services.

Fire department.

SECTION 29. The city council may by ordinance establish a fire department, to consist of a chief engineer, a superintendent of fire alarm telegraph, and so many assist-

ant engineers, enginemen, hosemen, and hook and ladder men, as the city council shall from time to time determine to be necessary: and said council shall have authority to make such provisions in relation to the time and mode of appointment and the occasion and mode of removal of any officer or member of said department, to make such regulations in respect to their qualifications and periods of service, to define their offices and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government, as they shall deem expedient: *provided*, that the appointment of superintendent of fire alarm telegraph, enginemen, hosemen, and hook and ladder men, shall be made by the mayor and aldermen exclusively. The engineers of the department shall have the powers and authority in regard to the prevention and extinguishment of fires, and the performance of the other offices and duties incumbent upon fire wards, as are vested in and conferred upon fire wards and engineers of fire departments by the statutes of this Commonwealth. The city council may, by ordinance, make regulations concerning the management of fires and the conduct of all persons attending or present thereat, the removal and protection of property for the examination of any buildings and places where combustible materials are supposed to be kept or deposited, and to require and enforce the removal of such materials or substances at the expense of the person or persons on whose premises the same shall be found, and the adoption of suitable safeguards against fire, and the loss or destruction of property thereat. Said city council may construct reservoirs for water, procure land, buildings, furniture, engines, and such other apparatus as may be necessary for the purposes for the fire department, and provide for the use, control and preservation thereof. The city council may appropriate and expend such sums of money for the relief of firemen disabled in the service of the city, and for the relief of the families of firemen killed in the performance of their duty, as they may deem just and proper.

Engineers.

Regulations concerning management of fires.

May construct reservoirs, and procure engines.

SECTION 30. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen; and any person dissatisfied with the decision of the

Damages for laying out streets.

city council in the estimate of damages may make complaint to the superior court, or the county commissioners of the county of Bristol, in term time or vacation, within one year after such decision; whereupon the same proceedings shall be had as are now provided by law in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes and acts in amendment thereof.

Streets and avenues to be lighted.

SECTION 31. The city council may cause the streets, lanes and avenues of the city to be lighted, and for that purpose may erect posts and construct lamps, lay gas pipes or other apparatus, in said streets, lanes and avenues, and do such other things as may be necessary to carry into effect said purposes.

May establish ordinances and by-laws.

SECTION 32. The city council shall have power within said city to make and establish such ordinances and by-laws, not inconsistent with the laws of the Commonwealth, as towns have power by law to make and establish, such ordinances and by-laws to have force and effect within such city, without revision or approval by the superior court or any justice thereof; and to modify, amend or repeal the same; and to annex penalties not exceeding twenty dollars for the breach thereof.

Fines and forfeitures to be recovered before the second district court of Bristol.

SECTION 33. All fines, forfeitures and penalties accruing for the breach of any by-law or ordinance of the city council may be prosecuted for, and recovered before the second district court of Bristol, holden in said city of Fall River, by complaint or information, in the same manner in which other criminal offences are now prosecuted before the district courts within this Commonwealth, reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the superior court then next to be held in the county of Bristol; and the appeal shall be allowed in the same terms, and the proceedings shall be conducted therein in the same manner as provided in the statutes of this Commonwealth; and it shall be sufficient in all such prosecutions to set forth in the complaint the offence fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-law or ordinance, or any part thereof. All fines, forfeitures and penalties so recovered and paid shall be paid to the treasurer of the city of Fall River, and shall inure to such uses as the city council shall direct. When any person, upon any conviction before the second district court of Bristol for the breach of any by-law or ordinance of the city council, shall be sentenced to pay a fine, or ordered to pay any

To be paid over to city treasurer.

penalty or forfeiture provided by any such by-law or ordinance, or upon claiming an appeal shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and costs so assessed upon him, he shall be committed to jail, there to remain until he shall pay such fine, forfeiture or penalty, and costs, or be otherwise discharged according to law.

SECTION 34. Chapter two hundred and fifty-seven of the acts of the year eighteen hundred and fifty-four, entitled "An Act to establish the City of Fall River," and sundry acts in amendment of the same, are hereby repealed: *provided*, that such repeal shall not revive any law heretofore repealed or superseded, nor any office heretofore abolished; it shall not affect any act done, or any right accruing, accrued or established, or any proceedings, doings or acts ratified or confirmed, or any suit or proceeding had or commenced before the repeal takes effect, but the proceedings therein shall when necessary conform to the provisions of this act; it shall not affect any penalty or forfeiture incurred before it takes effect under any of the laws repealed, except that where a punishment, penalty or forfeiture is mitigated by the provisions of this act, such provisions may be extended and applied to any judgment pronounced after said repeal; it shall not affect any suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred under any of the acts repealed, except that the proceeding therein shall when necessary conform to the provisions of this act; and when a limitation or period of time prescribed in any of the acts repealed for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in this act, the time of limitation shall continue to run and shall have like effect as if the whole period had begun and ended under the operation of this act. All persons who at the time when said repeal takes effect hold any office under any of the acts repealed, shall continue to hold the same according to the tenure thereof, except those offices which have been abolished and those as to which a different provision has been lawfully made. The provisions of this act so far as they are the same as those of the existing charter, shall be construed as a continuation thereof and not as new enactments; and ref-

Repeal of 1854,
257.

Proviso.

Pending suits
not to be affect-
ed.

Continuation of
existing provis-
ions.

erences in laws not repealed to provisions of laws incorporated into this act shall be construed as applying to the same provisions so incorporated; and *provided, also*, that all the ordinances and by-laws of the city of Fall River which shall be in force at the time when the said repeal shall take effect, shall continue in force until the same are repealed by the city council, and all persons holding office under such ordinances and by-laws shall continue to hold such offices according to the tenure thereof. The legislature may at any time alter, amend or repeal this act.

Subject to acceptance by the voters.

SECTION 35. This act shall take effect on its passage, but be void unless accepted by the qualified voters of the city of Fall River present and voting by ballot "Yes" or "No" at meetings warned for the purpose in the several wards by the board of aldermen, to be held on or before the seventh day of November next; and it shall be the duty of the board of aldermen, within thirty days of the passage of this act, to cause a sufficient number of copies hereof to be printed and distributed among the voters of said city, and to warn meetings in the several wards to be held on some day within sixty days after such passage, and to furnish at such meetings a sufficient number of ballots printed separately with the word "Yes" and the word "No;" and at such meetings the same proceedings shall be had, respecting the receiving, sorting, counting, declaring, recording and making returns of votes, as is provided by law for elections in cities; and the board of aldermen within two days after such meetings shall examine the returns from the several wards; and if the act appears not to have been accepted by a majority of the qualified voters present and voting in the several wards, the board of aldermen may if they see fit warn other meetings in the several wards for the same purpose, to be held on some day not sooner than sixty days after those previously held, and again meetings for a third time; and whenever it shall appear that a majority of the qualified voters present and voting in the several wards at meetings thus duly warned have voted to accept this act, the mayor shall immediately make proclamation of the fact, and the city clerk shall transmit notice thereof to the secretary of the Commonwealth, and thereupon this act shall have full force and effect.

Mayor to make proclamation, upon acceptance.

Approved May 10, 1878.

AN ACT TO SUPPLY THE CITY OF NEWBURYPORT WITH WATER. *Chap. 240**Be it enacted, &c., as follows:*

SECTION 1. The city of Newburyport is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

Newburyport
may supply
itself with
water.

SECTION 2. Said city for the purposes aforesaid may take and hold the water, or so much thereof as may be necessary, not exceeding one and a half million of gallons daily, of any springs, natural ponds or brooks within the limits of said city, or of Kimball's pond in the towns of Amesbury and Merrimac, or any of the effluents from said pond; and may convey said waters or any part thereof into and through said city and said town of Amesbury and the town of Salisbury; and may also take and hold by purchase or otherwise, all necessary lands for raising, holding, flowing, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said city and of said towns of Amesbury and Salisbury; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway or other way other than a railway, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other purposes of this act, may dig up, raise and embank any such land, street, highway or other way, in such manner as to cause the least hindrance to travel thereon; and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act. In case either of the towns in which said Kimball's pond is situated, should hereafter apply for authority to take water from the same, the powers hereby granted shall not be construed as creating any priority of right or operate to the prejudice of such application.

May take water
from Kimball's
Pond, and convey
through the
city.

May erect dams
and reservoirs.

May dig up
streets and
highways.

SECTION 3. Said city of Newburyport may by vote of its city council declare the quantity of water proposed to be taken under this act, not exceeding one and a half mil-

May declare by
vote of city
council the
quantity of wa-

ter proposed to be taken.	<p>lion of gallons daily, such vote to be passed not less than six months before the waters shall be withdrawn from said springs, ponds or brooks; and within sixty days from the time it shall take any lands, springs, ponds, brooks or water for the purposes of this act, otherwise than by purchase, said city shall file in the registry of deeds for the southern district of the county of Essex, a description of such lands, springs, ponds, brooks or water, sufficiently accurate for identification, with a statement of the purposes for which the same are taken, together with a copy of such vote, if any has been passed, signed by the mayor of said city; and upon such filing the terms of such vote shall be the measure and limit of the right of said city to take and divert the waters of such springs, ponds or brooks; but if no such vote is so passed and filed said measure and limit shall be one and a half million of gallons daily. If at any time said city shall take a larger quantity of water than said limit, it may be restrained by injunction from taking such larger quantity, in a suit in equity brought by any party interested.</p>
To file in registry of deeds a description of the land and waters taken.	
Liability of city for damages.	<p>SECTION 4. Said city of Newburyport shall be liable to pay all damages that shall be sustained by any person or persons in their property by the taking of said waters or any part thereof as authorized by this act, or by the taking of any land, rights of way, water rights or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water-ways, or other works for the purposes of this act; and if the owner or owners of any property which shall be taken as aforesaid, or other person or persons sustaining damages as aforesaid shall not agree on the damages to be paid therefor, he or they may apply by petition for an assessment of the damages at any time with three years from the taking of the said property, or the construction of dams or other works occasioning damages as aforesaid, and not afterwards, to the superior court in the county in which the same are situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said city of Newburyport, returnable, if issued in vacation, at the next term of the said court to be held after the expiration of fourteen days from the filing of said petition, and if in term time, returnable on such day as said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of</p>
Assessment of damages.	

the said petition, certified by the officer who shall serve the same, with the clerk of said city; and the said court may upon default or hearing of said city, appoint three disinterested persons, who shall after reasonable notice to the parties assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said persons so appointed, or a major part of them, being returned into and accepted by the said court, shall be final and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

Award to be final.

SECTION 5. If either of the parties mentioned in section four shall be dissatisfied with the amount of damage awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim in writing a trial in said court, and have a jury to hear and determine at the bar of said court all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied with award may have trial by a jury.

SECTION 6. If said city takes the water from Kimball's pond or any of its effluents, it shall lay its aqueduct or main pipe for conducting the same to said city, by some convenient route through the town of Amesbury. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, for the same uses as are herein before provided, upon paying an equitable compensation therefor, which in case of difference shall be determined by three commissioners, to be appointed by the supreme judicial court upon application of either party, and notice to the other, whose award when accepted by said court, shall be binding upon the parties for the term of five years.

Main pipe from Kimball's pond to be laid through Amesbury, and inhabitants to have use of water.

SECTION 7. Any town under whose roads, streets or ways, said city lays its aqueduct or main pipe, may require said city to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose. The expense of inserting said hydrants and keeping the same in repair shall be paid by such town.

Hydrants in towns through which aqueduct is laid.

Damages not to be claimed until water is withdrawn.

SECTION 8. No application shall be made to the court for the assessment of damages for the taking of any water-rights, or for any injury thereto, until the water is actually withdrawn or diverted by said city under the authority of this act.

Penalty for diverting water or rendering it impure.

SECTION 9. If any person shall use any water taken under this act without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city of Newburyport under the authority of and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damage assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

"Newburyport Water Bonds" not to exceed \$250,000.

SECTION 10. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said city shall have authority to issue coupon bonds to be denominated "Newburyport Water Bonds," to be signed by the treasurer of said city, to an amount not exceeding two hundred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding six per centum per annum; and said city may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. And the city council of said city is hereby authorized from time to time to appropriate, grant and assess such sum or sums of money as shall be deemed expedient, towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereof in the same manner as money is appropriated, granted and assessed for other city purposes.

Water commissioners to be chosen.

SECTION 11. The rights, powers and authority granted to the city of Newburyport by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said city, who shall be chosen by the city council, by joint ballot of both branches. The said commissioners shall during their continuance in office execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sec-

tions which are not otherwise specifically provided for in this act: and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of law. They shall serve for the period of three years from the time of their appointment, unless the construction of the works herein contemplated shall be sooner finished. Thereafter the rights, powers and authority granted to the said city by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said city, who shall be chosen by the city council, by joint ballot of both branches, one for the term of one year from the first Monday of January in the year eighteen hundred and eighty-one, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be chosen to serve for the term of three years. Said commissioners shall receive such compensation as the city council of said city may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

To have charge of works and be governed by rules ordained by the city council.

SECTION 12. The said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest on said water bonds, and also after three years from the introduction of the water into said city, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds, until the same are fully paid and discharged. The "commissioners of sinking fund," as now established by ordinance of said city, shall be trustees of said fund, and shall annually, and as often as the city council may require, render an account of all their doings in relation thereto.

To establish rents for use of water.

SECTION 13. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and the owner thereof shall be also liable, if on being notified of such use, he does not object thereto.

Liability of tenant and owner.

SECTION 14. This act shall take effect upon its passage, and shall become void unless accepted by a vote of two-thirds of the legal voters of the city of Newburyport, present and voting thereon, at a legal meeting which shall

Subject to acceptance by a two-thirds vote.

be called in their several ward rooms for that purpose, by the mayor and aldermen of said city, within one year from the passage of this act, at which meeting the check list shall be used.

Approved May 11, 1878.

Chap. 241 AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE GENERAL STATUTES RELATING TO INNOLDERS AND COMMON VICTUAL-
LERS.

Be it enacted, &c., as follows:

Innholders to have beds and food for travellers.

SECTION 1. Every innholder shall at all times be furnished with suitable provisions for the supply of food for strangers and travellers, and shall also have upon his premises suitable rooms, with beds and bedding, for lodging strangers and travellers. He shall also be furnished with stable-room, hay and provender for the horses and cattle of his guests, whenever the authorities issuing the license shall so require.

Stable-room.

Common victuallers to have food for travellers.

SECTION 2. Every common victualler shall be at all times furnished with suitable provisions for the supply of food for strangers and travellers.

Innholder's license not to be granted unless premises are supplied as required.

SECTION 3. No innholder's license shall be granted or issued to any person unless at the time of making application for the same he shall have upon his premises the necessary implements and facilities for cooking, preparing and serving food for the purposes specified in section one of this act, and with the rooms, beds and bedding specified in said section; nor unless he shall have the stable-room and provender for horses and cattle required by said section.

Common victualler's license not to be issued without required facilities.

SECTION 4. No common victualler's license shall be granted or issued to any person unless at the time of making application for the same he shall have upon his premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travellers.

Penalty on innholder for refusing to receive travellers.

SECTION 5. If an innholder, when requested, refuses to receive and make suitable provisions for a stranger or traveller, and also for his horses and cattle, when he may under the provisions of this act be legally required so to do, he shall upon conviction be punished by a fine not exceeding fifty dollars; and any person so convicted shall in addition to said penalty forfeit his license.

Penalty on victualler for refusing food to travellers.

SECTION 6. If a common victualler, when requested, upon any other than the Lord's day, refuses to supply food to a stranger or traveller, he shall upon conviction be punished by a fine not exceeding fifty dollars; and any person so convicted shall in addition to said penalty forfeit his license.

SECTION 7. Whenever in the opinion of the mayor and aldermen of any city or the selectmen of any town, any person holding a license as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this act, they shall immediately revoke the same.

Licenses may be revoked.

SECTION 8. No innholder's or victualler's license shall be issued until it has been signed by the mayor and a majority of the aldermen of the city, or by a majority of the selectmen of the town, in which it is granted. Any mayor, alderman or selectman may refuse to sign any license granted to a person who in his opinion has not complied with the provisions of this act, and any such officer who shall sign any license granted contrary to the provisions of this act shall upon conviction be punished with a fine not exceeding fifty dollars.

Issuance of license.

SECTION 9. All licenses issued under the provisions of this act shall expire on the first day of April of each year. Licenses may be granted during the preceding month of March to take effect upon said first day of April, and after that day may be granted at any time for the remainder of the year, when the officers authorized to issue the same deem it expedient.

Licenses to expire on the first day of April.

SECTION 10. Sections three, eight, nine and thirteen of chapter eighty-eight of the General Statutes are hereby repealed.

Repeal of G. S., SS., §§ 3, 8, 9, 13.

SECTION 11. This act shall take effect upon its passage.

Approved May 11, 1878.

AN ACT TO REORGANIZE THE STATE DETECTIVE FORCE.

Chap. 242

Be it enacted, &c., as follows :

SECTION 1. Hereafter the state detective force shall consist of not less than twenty-five nor more than thirty members, including the chief; and the governor may remove from said force such members thereof as are in his judgment unfitted for its duties.

Detective force to consist of not less than twenty-five nor more than thirty members.

SECTION 2. Each member of said force shall once in each week render to the chief a written report of all his doings, and the chief at the end of each month shall render to the governor a written report of the doings of said force, summarizing the aforesaid weekly reports of the members thereof.

Reports.

SECTION 3. No moneys shall be paid to or for the account of the chief or any member of said force, or any person employed by them, except as provided in section six

Compensation of chief and members of the force.

of chapter fifteen of the acts of the year eighteen hundred and seventy-five.

SECTION 4. This act shall take effect upon its passage.

Approved May 11, 1878.

Chap. 243 AN ACT IN RELATION TO REGISTRATION AND ELECTIONS IN THE CITY OF BOSTON.

Be it enacted, &c., as follows :

Voting precincts to be established by the assessors.

SECTION 1. On or before the first day of September in the current year, each ward of the city of Boston shall be divided by the board of assessors of taxes in said city into voting precincts, each consisting of compact and contiguous territory within said ward, and containing as nearly as may be five hundred registered voters. The registration in the year eighteen hundred and seventy-seven shall be taken as the basis of such division. Said precincts shall be designated by numbers or by letters of the alphabet. In the year eighteen hundred and eighty-six, as soon as practicable after the division of the city into new wards as now provided by law, and every fifth year thereafter, the said wards shall be divided by said board of assessors into voting precincts on the basis of the registration of voters in the preceding year.

Precincts to be designated by numbers or letters.

Warden and clerk to be elected in each precinct.

SECTION 2. In each voting precinct there shall be the following election officers: that is to say, at the annual city election, except in the current year, one person shall be chosen in each precinct as warden, and one person as clerk; and the mayor, at some time before the first day of October in each year, except the current year, shall with the approval of the board of aldermen appoint for each voting precinct two inspectors, qualified voters in the ward of which such precinct forms a part, who shall be men of good repute and standing, and from different political parties. Each of these officers shall be sworn to the faithful discharge of his duties, and shall hold office for one year from the said first day of October. In case of any vacancy in the office of inspector, or in case either of said inspectors shall decline to act in that capacity before the first day of November in any year, the mayor may, with the approval of the board of aldermen, make an appointment of some person of good repute and standing to fill said office; and in making such appointment it shall be his duty to select some person of the same political party with the original incumbent of said office; and every person so appointed shall be sworn to the faithful discharge of his duties. In case of a vacancy in the office of warden, clerk

Two inspectors to be appointed.

or inspector of a precinct on the day of any election, such vacancy shall be filled *pro tempore* by the voters of said precinct by nomination and hand vote. The wardens, clerks and inspectors appointed or elected as herein provided shall have the same powers, and except as hereinafter provided be subject to the same duties and liabilities, as the wardens, clerks and inspectors now holding office in said city.

Vacancies.

SECTION 3. The terms of office of all ward officers heretofore chosen shall expire on the day before the next annual state election; and the mayor and aldermen shall previous to that date appoint from the legal voters in each ward one warden, one clerk and two inspectors for each precinct within said ward, who shall officiate in their several capacities on the day of said state election. The inspectors so appointed shall be selected from different political parties, and shall hold office until the first day of October of the following year; and the wardens and clerks so appointed shall hold office only during the state election of the current year. At said state election there shall be chosen a warden and clerk in each precinct, who shall hold office until their successors are chosen as provided in the foregoing section. And in every year in which a new division of the wards into voting precincts is made, as herein before provided, the terms of office of the election officers then holding office shall expire before the next annual state election, and the same proceedings shall be had in the appointment and election of officers for the new precincts as are herein provided for the precincts established in the current year.

Warden, clerk and inspectors to be appointed to act at next annual state election.

Terms of office upon a new division of wards.

SECTION 4. The board of aldermen shall, at least ten days before any election, issue their warrants for the legal voters of each or any ward as may be required, to assemble at the several polling places within said ward at the time and for the purpose stated in said warrants; and it shall be the duty of the officers of each precinct to receive, sort and count the ballots cast at such election, and to make returns in the manner provided by law, to the city clerk, of the results of such election, and of the number of votes cast for each officer, except the warden and clerk of said precinct. When an election is held in any precinct for a warden or clerk of said precinct, it shall be the duty of the officers presiding at such election to send a certificate of election to the person chosen to either of said offices.

Warrants to be issued for assembling of voters at the several polling places within the wards.

Precinct officers to make returns to city clerk.

SECTION 5. The board of aldermen shall, thirty days at least before the day of each election, designate and appoint

Polling places to be designated

and appointed
by aldermen.

No building to
be used where
intoxicating liq-
uor is sold.

Lists of voters
to be posted in
each voting
precinct.

Application for
assessment of
poll tax not to
be made after
first day of
September.

Collector to des-
ignate times and
places in each
ward or precinct
for payment of
taxes.

Person assessed
for poll tax on-
ly, to be notified
by circular.

Changes and
corrections of
assessed names.

the polling place in each of the voting precincts in the city, and procure the same for such purpose and cause it to be fitted up and prepared therefor. Such place shall be in the most public, orderly and convenient portion of the district; and no building or part of a building shall be so designated or used in which, or in any part of which, intoxicating liquor is sold or has been sold within thirty days next preceding the day of election.

SECTION 6. The assessors of taxes in the city of Boston shall, on or before the fifteenth day of July in each year, except in the year eighteen hundred and seventy-eight, make, print and post, in at least one public place within each voting precinct, street lists arranged by voting precincts so as to show under the number of the house, or if there is no number then under such other definite description of the location of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling, and assessed for poll taxes; and shall also send such number of copies thereof as may be required to the registrars of voters.

SECTION 7. Any person not assessed for a poll tax who is entitled to be so assessed, may, not later than the first day of September in each year, apply to the board of assessors to be assessed; and said board shall hold before that date not less than ten evening sessions for the performance of the duties imposed on them by this section.

SECTION 8. The collector shall fix convenient times and places in each ward or precinct, extending to not later than the fifteenth day of October in each year, for the payment of taxes to himself or a deputy collector, and of the times so appointed not less than six shall be in the evening; and he shall give public notice thereof by advertisements in at least two daily newspapers printed in Boston, one of which shall be an evening paper, and also by a circular or card addressed to each person assessed for a poll tax only, and delivered through the mail or otherwise. Said circulars or cards shall be delivered on or before the second day of September in each year, and the sessions to be held by said collector under the provisions of this act shall begin as soon after the second day in September of each year as may be necessary. No tax bills for poll taxes only shall hereafter be distributed to or for the persons assessed before payment thereof.

SECTION 9. All changes or corrections of assessed names shall be made by the board of assessors on a form or certificate specially prepared for the purpose; on pres-

entation of which to the collector of taxes, he shall make the corresponding change or correction on the list of assessed polls committed to him by the assessors of taxes, and also on the tax bill before it is receipted or delivered, and shall affix thereto his official stamp, which shall be the only authority recognized by the registrars of voters in adopting said changes or corrections for the purposes of registration.

SECTION 10. If any person assessed for a poll tax only shall have lost his receipt therefor he may make application to the board of assessors for proof of assessment, who, if satisfied that he is the person he claims to be and that his tax bill has been lost or destroyed, shall furnish him with a statement giving his name, residence, ward, and page of assessment; which statement shall be presented by the applicant to the collector of taxes, who shall issue to him a certificate, different in color, size and appearance from the original tax bill, setting forth that said tax has been paid.

Certificate of payment in case of loss of tax receipt.

SECTION 11. After the ward lists of qualified voters are printed and posted as now required by law, no name shall be added thereto, unless the applicant for registration appears in person before the registrars or assistant registrars.

Names not to be added to posted list except upon personal application of voter.

SECTION 12. The city registrar shall, on the first day of every month, and also two days before every election, send to the registrars of voters a list, by wards, of male persons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list; and the names of such persons found upon the voting lists shall be erased therefrom.

Names of persons deceased, to be erased from voting lists.

SECTION 13. If the name of a qualified voter shall be erroneously erased from the published voting list, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid his name shall be restored to the voting list; and he shall be given a certificate thereof, if such restoration is made on the day of election; on presentation of which to the officers of the precinct in which he was entitled to be registered, he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct.

Name erroneously erased from list, may be restored.

SECTION 14. On complaint in writing, under oath, made by any voter of the city at least seven days prior to an election, setting forth that he has reason to believe, and does believe, that any one whose name is on the voting list

Name may be stricken from list, when complaint is made under oath, and after examination.

has not the legal qualifications of a voter, and setting forth the nature of the alleged disqualification, it shall be the duty of the registrars, if they shall be satisfied that there is reasonable ground for such complaint, to summon such person to appear before them at a time and place named, and to examine him under oath in regard to the matter set forth in the complaint; and if satisfied that he is not a qualified voter, his name shall be stricken from the list.

Proof of identity or qualifications of applicant for registration.

SECTION 15. If the registrars are not satisfied as to the identity or qualifications of an applicant for registration, they may make such examination of said applicant, under oath, as they may consider necessary or proper, to verify the fact that he is possessed of the constitutional requirements of a voter; and said registrars as soon after the second day of September in each year as may be necessary, shall hold evening sessions in or near each ward for the performance of any and all the duties imposed upon them by the provisions of this act: *provided, however*, that they shall hold not less than ten evening sessions prior to the annual state or municipal election.

Proviso.

Registration to cease at ten o'clock P.M. of the fourteenth day preceding any election.

SECTION 16. The registration of voters shall cease at ten o'clock in the evening of the fourteenth day preceding the day of any election; and no name shall thereafter be entered on the voting lists except as provided in section ten, chapter three hundred and seventy-six, of the acts of the year eighteen hundred and seventy-four, or to restore a name erroneously stricken off as herein before provided.

Person becoming of age before next election, may be admitted to registration.

SECTION 17. If any person who will become twenty-one years of age before the election next ensuing shall make application to the registrars for registration in order to entitle him to vote at such election, he shall be admitted to registration, provided the registrars shall be satisfied that he will be of age before such election, and that he has the other constitutional qualifications of a voter, and is the identical person he professes to be.

Ballot box to be shown to be empty, and not to be taken from public view while polls are open.

SECTION 18. One ballot box only shall be used in each voting precinct; and before voting begins the ballot box shall be shown to be empty; and it shall not be removed from the public view from the time when it is so shown to be empty until after the close of the polls.

Name and residence of voter to be announced in a loud voice by inspector.

SECTION 19. Every person offering to vote shall give his name and residence, and the same shall be announced in a loud and distinct tone of voice by one of the inspectors; and no ballot shall be received until the name shall have been found upon the list, and properly checked. After

the canvas has been completed by the election officers, the ballots and voting lists shall be sealed up, transmitted to the city clerk, and preserved in the manner now provided by law.

Ballots and lists to be sealed up.

SECTION 20. All applications, certificates or affidavits taken by the board of assessors or registrars of voters, under this act, shall be preserved for two years.

Certificates, &c., to be preserved for two years.

SECTION 21. Any person who shall wilfully and corruptly take any false oath or affirmation in making any application, certificate, complaint or affidavit or upon any examination provided for in this act, shall be deemed guilty of perjury.

Person taking false oath, to be deemed guilty of perjury.

SECTION 22. Any person who shall wilfully and corruptly instigate, advise, induce, or procure any other person to take any false oath or affirmation in making any application, certificate, complaint or affidavit, or upon any examination provided for in this act, shall be deemed guilty of subornation of perjury.

Person inducing false oath to be taken, deemed guilty of subornation of perjury.

SECTION 23. Any registrar, assistant registrar, assessor, assistant assessor, collector, assistant collector, warden, clerk or inspector of elections, who shall wilfully violate any provision of this act, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding one hundred dollars.

Penalties on officers.

SECTION 24. This act shall take effect upon its passage; but any election which may be held previous to the next state election shall be conducted according to the provisions of the laws heretofore regulating the same.

Not to affect elections previous to next state election.

Approved May 11, 1878.

AN ACT IN RELATION TO THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

Chap. 244

Be it enacted, &c., as follows:

SECTION 1. The mayor of the city of Boston may appoint, subject to the approval of the city council, three able and discreet persons to constitute a board of police commissioners in said city. The terms of office of said commissioners shall be so arranged at the time of their appointment that the term of one shall expire on the first Monday in May in each year after the year eighteen hundred and seventy-eight; and the vacancy so created, as well as all vacancies occurring otherwise, shall be filled by the mayor, with the approval of the city council. Any member of said board may be removed at any time by the mayor for cause; or he may be removed by vote of two-

Police commissioners to be appointed.

Terms of office.

Removal from office.

thirds of the whole of each branch of the city council by vote taken by yea and nay.

Powers in relation to administration of police, and powers and duties of license commissioners conferred upon police commissioners.

SECTION 2. All the powers vested by the statutes of the Commonwealth in the board of aldermen of the city of Boston in relation to the administration of police, and the appointment of watchmen and policemen in said city, and all the powers and duties conferred upon the board of license commissioners, appointed under the provisions of section twenty, chapter ninety-nine, of the acts of the year eighteen hundred and seventy-five, shall be and hereby are vested in the said board of police commissioners; and said board may also be empowered by the city council to exercise all or any of the powers conferred by the statutes of the Commonwealth upon the board of aldermen, the city council or the city of Boston, in relation to licensing, regulating and restraining theatrical exhibitions, public shows and public amusements, billiard tables, bowling alleys, innholders and victuallers, auctioneers, hawkers and peddlers, carriages, wagons and other vehicles, intelligence offices, itinerent musicians, pawnbrokers, and dealers in second hand articles and old junk.

Licensing public shows, etc.

Commissioners to appoint policemen.

SECTION 3. The said board of police commissioners shall appoint a superintendent of police, a deputy superintendent of police, and such number of captains, inspectors, sergeants, patrolmen, clerks and other officers as the city council may from time to time by ordinance prescribe: *provided, however*, that the appointment of the superintendent of police, the deputy superintendent of police and the captains of police shall be subject to approval by the mayor of the city. Any of said officers or members of the department may be removed by the board for cause. The compensation of the commissioners and the officers of each grade shall be fixed from time to time by ordinances of the city council.

Superintendent, deputy and captains appointed, subject to approval of mayor.

Rules and regulations.

SECTION 4. The government and discipline of the police department shall be such as the said board of police commissioners may from time to time by rules and regulations prescribe. The superintendent of police, appointed as herein before provided, shall have and exercise all the powers and duties which by the laws now in force are held and exercised by the chief of police of the city of Boston; and the other officers and patrol policemen, appointed as herein before provided, shall have and exercise all the powers and duties which by the laws now in force are held and exercised by the watch of the city of Boston or by the police of said city.

Powers and duties.

SECTION 5. The said board of police commissioners may, by the affirmative vote of all the members, and with the approval of the mayor, retire from office in said police department any captain, inspector, sergeant or patrolman who has become disabled while in the actual performance of duty, or who has performed faithful service in the department for a period of not less than fifteen consecutive years, and place the officer so retired upon a pension roll, and allow him an amount not exceeding one-third the annual salary or compensation of the office from which he is so retired. But no such officer shall be placed on the pension roll unless it shall be certified to the board in writing, by the city physician, that the officer is permanently incapacitated, either mentally or physically, from performing his duty as a member of the department, nor unless due notice is given to the officer of the intention to place him on the retired list. And said commissioners may, with the approval of the mayor, expend such sums as may be specially appropriated therefor by the city council for the relief of widows of police officers who have been killed in the execution of their duty, or have died from the effect of injuries received in the execution of their duty. For the payment of the pensions herein authorized the commissioners may draw from time to time upon the trustees of the fund for the relief of disabled police officers, established by an ordinance of the city council the seventeenth day of June in the year eighteen hundred and seventy; and may also apply, if necessary, in addition to the income from said fund, any sums which may be specially appropriated therefor by the city council.

Disabled police-
men may be re-
tired with pen-
sions.

Relief of widows
of officers.

SECTION 6. The appointment of railroad police in the city of Boston, as authorized under the provisions of chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, shall be made by the said police commissioners; and said commissioners may, if they deem it expedient, upon the written application of any responsible corporation or person, appoint for a term not exceeding one year, suitable persons to be special police officers, to serve without pay from the city, under such rules and regulations as the commissioners deem expedient, with the power of police officers to preserve order and to enforce the laws and the ordinances of the city in and about any place of amusement, place of public worship, wharf, manufactory, or other locality specified in the application: *provided*, that such corporations or persons shall give bond to the city treasurer, satisfactory to the city so-

Railroad police.

Special police.

Corporations to
give bond.

licitor, to be liable to parties aggrieved by any official misconduct of such police officer to the same extent as for the torts of agents and servants in their employment; and proceedings may be had upon said bonds in the same manner as upon the bonds of constables. A record of such appointments shall be kept in the office of the commissioners; and any appointments so made may be revoked by the said commissioners at any time.

Commissioners may appoint special patrolmen without pay.

SECTION 7. The said board of police commissioners may, upon an emergency or apprehension of riot, tumult, mob, insurrection, pestilence or invasion, appoint as many special patrolmen, without pay, from among the citizens, as they may deem desirable. During the service of any special patrolman authorized as aforesaid, he shall possess all the powers and privileges and perform all the duties that may be by orders, rules and regulations, from time to time prescribed.

Mayor may assume command of police at any time.

SECTION 8. The mayor of the city of Boston shall have power at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the police force in said city.

Powers and duties of commissioners may be regulated by ordinance.

SECTION 9. The city council of Boston shall have power to pass such ordinances, not inconsistent herewith or repugnant to other laws of this Commonwealth as to the duties and authority of said board of police commissioners, as it may from time to time deem expedient and necessary.

Members of force to continue in office.

SECTION 10. The members of the Boston police force in office when the said police commissioners are first appointed, shall continue to hold their several offices until removed or placed on the retired list by the said commissioners; and the present rules and regulations of the board of aldermen for the government of the police shall continue in force until otherwise ordered by the said commissioners.

Repeal.

SECTION 11. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 12. This act shall take effect upon its passage.

Approved May 14, 1878.

Chap. 245

AN ACT IN RELATION TO THE CROSSING OF THE TRACKS OF THE BOSTON AND MAINE RAILROAD BY THE LOWELL AND LAWRENCE RAILROAD COMPANY AT SOUTH LAWRENCE.

Be it enacted, &c., as follows:

Commissioners to designate crossing, unless method and place is agreed upon by rail-

SECTION 1. Unless within thirty days after the passage of this act the Lowell and Lawrence Railroad Company and the Boston and Maine Railroad shall have agreed upon a method to be approved by the board of railroad commis-

sioners, by which the tracks of the first named corporation shall cross the tracks of the last named corporation, or its Methuen branch, immediately north of the station at South Lawrence, the said board of railroad commissioners is hereby empowered on the petition of either of said corporations to designate a place where and a method by which said crossing shall be made. In fixing such crossing the said commissioners are hereby authorized to cause the same to be effected at grade or otherwise as they may deem best, and for the purpose of more conveniently effecting it they may authorize the Lowell and Lawrence Railroad Company to locate, construct and maintain its railroad within the location of any other railroad corporation in South Lawrence, and they may also, if they deem necessary, change the present line of the tracks of the Boston and Maine Railroad between Andover Street and Union Street in said South Lawrence: *provided*, that at no point shall such line be changed laterally more than one hundred feet; and *provided, further*, that all expenses incurred and damages caused in effecting said crossing, or in changing said tracks in the way prescribed by said commissioners, shall be paid by the Lowell and Lawrence Railroad Company, and such damages shall be ascertained in the manner provided by law for estimating damages for the taking of land of private parties for railroad locations.

roads within
thirty days.

Provisos.

SECTION 2. This act shall take effect upon its passage.
Approved May 15, 1878.

AN ACT TO CHANGE THE NAME OF THE MAIN STREET METHODIST
EPISCOPAL CHURCH OF WORCESTER.

Chap. 246

Be it enacted, &c., as follows:

SECTION 1. The Main street Methodist Episcopal Church of Worcester shall be called and known as The Grace Methodist Episcopal Free Church of Worcester.

Name changed.

SECTION 2. This act shall take effect upon its passage.
Approved May 15, 1878.

AN ACT TO ESTABLISH THE BOUNDARIES OF FIRE DISTRICT NUMBER
ONE IN THE TOWN OF GREENFIELD.

Chap. 247

Be it enacted, &c., as follows:

SECTION 1. The boundaries of fire district number one in Greenfield shall be as follows:— Commencing at the town line at the summit of the Rocky Mountain, thence northerly along the summit of said Rocky Mountain to a point at which a continuation of the southerly line of the farm lately occupied by Sylvester Maxwell would strike

Boundaries of
fire district
established.

the summit of Rocky Mountain: thence westerly along said line and the southerly line of said Maxwell Farm in a direct line to the thread of the stream of Green River; thence southerly on the thread of the stream of said Green River to the mouth of the brook which runs between the houses of J. E. Thompson and Solomon Wheeler; thence southerly in a direct line to the town line, where it is crossed by the west line of Franklin Park; thence easterly along said town line to the place of beginning.

Subject to approval by voters.

SECTION 2. This act shall take effect when the same shall have been approved by vote of the legal voters of said fire district at a meeting called for that purpose.

Repeal.

SECTION 3. All acts inconsistent with this act are hereby repealed.

Approved May 15, 1878.

Chap. 248

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TOWN OF MASHPEE.

Be it enacted, &c., as follows:

Proceeds of sale of lands to be divided.

SECTION 1. Any justice of the superior court at a term thereof in the county of Barnstable, upon the application of the selectmen of the town of Mashpee, shall direct the commissioners mentioned in section six of chapter two hundred ninety-three of the acts of the year eighteen hundred and seventy, to divide the proceeds of the sale of lands therein mentioned, without cost to the Commonwealth, among the persons entitled to the lands prior to the sale in proportion to their several interests therein: *provided, however*, that no person shall be entitled to receive any portion of said proceeds who may have or may have had any rights in lands or the proceeds thereof in any other Indian district or plantation now or hitherto existing in the Commonwealth; the report of the doings of said commissioners shall be returned to said superior court and being approved may be confirmed by decree thereof. Said report and decree shall be recorded in the registry of deeds in said county; and the expenses of recording shall be paid from the treasury of the Commonwealth.

Proviso.

Report to be returned to superior court.

Treasurer to pay money over to commissioners upon their requisition.

SECTION 2. Whenever a justice of the superior court shall direct said commissioners to divide said proceeds, as herein before provided, the treasurer of said town shall pay over to said commissioners upon their requisition therefor, to be divided as aforesaid, all sums of money received by him or his predecessors in office, by virtue of the provisions of said section six, and not otherwise lawfully expended.

SECTION 3. The register of deeds in said county shall as soon as may be record in a separate volume the contents of the book wherein allotments and transfers of real estate in the district of Marshpee and the town of Mashpee have hitherto been recorded, and shall properly index the same; and such record shall have the force and effect of the records contained in said original book; and the reasonable expense of such recording and indexing, when approved by a justice of the superior court, shall be paid from the treasury of the Commonwealth.

Record of allotments and transfers in Marshpee to be recorded in registry of deeds.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1878.

AN ACT RELATING TO THE APPORTIONMENT OF SEWER AND SIDEWALK ASSESSMENTS.

Chap. 249

Be it enacted, &c., as follows:

SECTION 1. At any time within sixty days after notice is given of a sewer or sidewalk assessment on any real estate, if the owner thereof shall in writing notify the board making the same that he desires to have the amount due on said assessment apportioned, said board shall apportion the same into three equal parts, and certify such apportionment to the assessors of the city or town where such real estate is situate; and said assessors shall add one of said equal parts with the interest due thereon, from the date of the apportionment, to the annual tax of said real estate for each of the three years next ensuing. And all liens for the collection of such assessments shall continue in force until the expiration of two years from the time the last instalment thereof is committed to the tax collector; and all sewer and sidewalk assessments upon real estate, which remain unpaid after the time stated in the order making the same for payment thereof, shall draw interest from such time until paid.

Apportionment of sewer and sidewalk assessments.

Lien upon estate.

SECTION 2. This act shall take effect upon its passage, but shall not be in force in any city or town unless adopted by the city council of such city or the inhabitants of such town.

Subject to adoption by cities and towns.

Approved May 15, 1878.

AN ACT RELATING TO THE TAXATION OF COÖPERATIVE SAVING FUND AND LOAN ASSOCIATIONS.

Chap. 250

Be it enacted, &c., as follows:

SECTION 1. Section eighteen of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy-seven is hereby amended by striking therefrom the words "three-quarters of one per cent.," and insert-

Tax of one-quarter of one per cent. upon monthly dues paid in.

ing instead thereof the words "one-quarter of one per cent."

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1878.

Chap. 251 AN ACT TO PROVIDE FOR THE KEEPING OF REGISTERS OF VOTERS
IN CITIES AND TOWNS.

Be it enacted, &c., as follows:

Registers of voters to be kept in cities and towns.

SECTION 1. The provisions of chapter two hundred and eight of the acts of the year one thousand eight hundred and seventy-seven shall apply to cities, and the mayor and aldermen in cities shall keep the register therein provided for: *provided*, that nothing herein contained shall apply to any city for which special provision for keeping a similar register has been made by law.

First Christian name to be written out in full.

SECTION 2. In the registers of voters in cities and towns it shall be sufficient if the first Christian name of each voter, or that name by which he is generally known, is written or printed in full, with the initial or initials of any other name or names which he may have in addition to his surname.

Notice to be given for persons to present themselves for registration.

SECTION 3. It shall be the duty of the mayor and aldermen and of the selectmen in making said registers to cause proper notices to be published or posted, and proper opportunity given, at least two weeks before any annual election in said city or town, to all persons to present themselves for registration; and before registering any person hereafter, they shall inquire into his qualifications to vote, and shall require such person to write his name before they place it in said register, unless such person is exempted by Article twenty of the amendments to the Constitution, or unless his name is upon the register or voting list of the preceding year.

SECTION 4. This act shall take effect upon its passage.

Approved May 15, 1878.

Chap. 252 AN ACT IN RELATION TO THE COMMONWEALTH'S INTEREST IN
THE CAPITAL STOCK OF THE BOSTON AND ALBANY RAILROAD
COMPANY.

Be it enacted, &c., as follows:

Right to take additional stock in road may be sold.

SECTION 1. Whenever the capital stock of the Boston and Albany Railroad Company shall be increased, or additional shares of said stock issued pursuant to authority heretofore given, the directors shall, unless said shares are sold at public auction, give notice in writing of such intended increase to the treasurer of the Commonwealth, and

upon the receipt of said notice he may sell the Commonwealth's right to the proportion of stock to which it may be entitled, in such manner as he shall deem most beneficial to the Commonwealth.

SECTION 2. This act shall take effect upon its passage.
Approved May 15, 1878.

AN ACT RELATING TO SAVINGS BANKS AND THE RECEIVERS THEREOF.

Chap. 253

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the board of commissioners of savings banks, or of one of them, to carefully examine and report upon all reports and accounts made to the supreme judicial court by the receivers of savings banks, appointed under the provisions of chapter one hundred and ninety-two of the acts for the year eighteen hundred and sixty-six, or any act in amendment thereof or substituted therefor, whenever said reports are referred to said commissioners by said court.

Commissioners to examine accounts of receivers of savings banks when referred to them.

SECTION 2. The board of commissioners of savings banks, or one of them, shall during the year eighteen hundred and seventy-eight and at least once in every year thereafter, and as much oftener as said board deems expedient, examine the accounts and doings of all receivers mentioned in section one of this act; and said board shall include in its annual report to the legislature a statement of the affairs in the hands of said receivers.

To examine accounts of receivers annually.

SECTION 3. For the purposes aforesaid the commissioners, or any one of them, shall have free access to the books and papers relating to the transactions of such receivers, and may examine under oath such receivers, relative to such transactions.

To have access to books and papers.

SECTION 4. Whenever in the opinion of said board any such receiver has violated his duty, it shall present the facts to the supreme judicial court.

Violation of duty by receiver.

SECTION 5. Whenever receivers are appointed by the supreme judicial court, under the aforesaid act or acts, to take possession of the property and effects of a savings bank, the treasurer of said savings bank shall make a schedule of all the property which said savings bank owns or is entitled to; and said treasurer and the board of investment of said savings bank and any other officers of said savings bank, if any, transferring the property thereof to said receivers, shall make oath that said schedule sets forth all the property which said bank owns or is entitled to. Said treasurer shall hand said schedule to the receivers

Schedule of effects of bank to be made and sworn to by treasurer, when receivers are appointed.

Treasurer and other officers may be examined under oath.

and a copy thereof to the board of commissioners of savings banks. The board of commissioners of savings banks may at any time examine said treasurer, board of investment or other officers aforesaid under oath, in order to determine whether or not all the property which said savings bank owned or was entitled to, has been transferred to said receivers.

Report of violation of law may be made to the attorney-general.

SECTION 6. The provisions of section seven of chapter one hundred and ninety-two of the acts for the year eighteen hundred and sixty-six are hereby so amended, that the report therein required to be made to the secretary of the Commonwealth, relative to violations of law by savings banks, its officers or trustees, may be made directly to the attorney-general.

"Savings bank" to include institutions for savings.

SECTION 7. In this act the word "savings bank" shall be held to include institutions for savings.

SECTION 8. This act shall take effect upon its passage.

Approved May 15, 1878.

Chap. 254

AN ACT RELATING TO TRUSTEES AND TRUST ESTATES.

Be it enacted, &c., as follows:

Provisions G. S. 100, §§ 9, 10, to apply to trustees under any written instrument creating a trust.

SECTION 1. The provisions of sections nine and ten of chapter one hundred of the General Statutes, for vesting trust estates in new trustees, shall apply to such trustees chosen or appointed in conformity to any written instrument creating a trust, in place of former trustees thereunder.

Probate court may order trustee to render an account of management of estate.

SECTION 2. When property is held in trust under any written instrument or statute and there is no adequate provision for an account of the management of the trust estate, the probate court in any county where any land so held is situate, or where any person interested in such trust resides, may, on application of any person interested, require the trustee on oath to render such an account to said court; and the court first so applied to shall thereafter have exclusive original jurisdiction therein.

SECTION 3. This act shall take effect upon its passage.

Approved May 15, 1878.

Chap. 255

AN ACT IN RELATION TO THE ELECTION OF SELECTMEN AND ASSESSORS OF TOWNS.

Be it enacted, &c., as follows:

Selectmen may be elected for terms of three years.

SECTION 1. Any town in this Commonwealth which shall have accepted the provisions of this act in regard to selectmen at any annual meeting thereof, may, at such or any annual meeting thereafter, elect its selectmen for the

period of three years in the following manner, namely: if the selectmen be three in number, the inhabitants may elect one person for the period of one year, one person for two years, and one person for three years; and thereafter at each annual meeting may elect one selectman to serve for three years. If the selectmen be five in number, then they may elect one person for a period of one year, two persons for two years, and two persons for three years; and thereafter at each annual meeting they may elect one or two selectmen, as the term of office of one or two may expire in that year, to serve for three years. If the selectmen be seven in number, then they may elect two persons for a period of one year, two persons for two years, and three persons for three years; and at each annual meeting thereafter they may elect two or three selectmen as the term of office of two or three may expire in that year, to serve for three years. If the selectmen be nine in number, then they may elect three persons for a period of one year, three persons for two years, and three persons for three years; and at each annual meeting thereafter they may elect three persons to serve for three years.

SECTION 2. Any town which shall have accepted the provisions of this act in regard to assessors at any annual meeting thereof, may elect at such or any annual meeting thereafter, three or five assessors for the term of three years in the manner herein before provided for electing three or five selectmen, or it may elect four assessors, two for the period of one year, and two for two years; and at each annual meeting thereafter the inhabitants may elect two assessors to serve for two years.

Assessors may be elected for terms of three years.

SECTION 3. If any town votes at any annual meeting thereof to increase or diminish the number of its selectmen or assessors, it may do so by electing or omitting to elect such a number at that or any annual meeting thereafter, as will make the board of the required number with terms of office expiring in the manner provided in the first two sections hereof: *provided, however*, that the number shall not be diminished in such a manner as will prevent one member being elected in every year.

Increase or decrease of number of assessors or selectmen.

SECTION 4. Vacancies in either the board of assessors or of selectmen may be filled in the manner now provided by law, and the person chosen to fill any vacancy shall hold office during the unexpired term of the member whose place he fills.

Vacancies.

SECTION 5. The acceptance of this act by any town may at any subsequent annual meeting thereof be revoked

Acceptance of act may be revoked.

by such town, and thereupon this act shall cease to be operative in such town: *provided, however*, that such a revocation shall not affect the term of office of selectmen or assessors previously chosen. *Approved May 15, 1878.*

Chap. 256 AN ACT TO AMEND CHAPTER SEVENTY OF THE GENERAL STATUTES, RELATING TO BURIALS AT PUBLIC EXPENSE.

Be it enacted, &c., as follows:

Unknown persons found dead, may be buried at the public expense.

Proviso.

SECTION 1. The provisions of section fifteen of chapter seventy of the General Statutes, for the burial of state paupers, are hereby extended to unknown persons found dead, and to all persons without settlement, having died without means of support, notwithstanding such persons may not have applied for public relief during their life time: *provided, however*, that section seventeen of chapter two hundred of the acts of the year eighteen hundred and seventy-seven shall not be affected by this act.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1878.

Chap. 257 AN ACT IN ADDITION TO AN "ACT RELATING TO THE EMPLOYMENT OF CHILDREN, AND REGULATIONS RESPECTING THEM."

Be it enacted, &c., as follows:

Certificate to be kept of age, &c., of children under sixteen years in their employ, also of amount of school attendance of those under fourteen years.

SECTION 1. Every owner, superintendent or overseer of any manufacturing, mechanical or mercantile establishment in this Commonwealth shall require and keep on file a certificate of the age and place of birth of every minor child under the age of sixteen years in his employ, or in the employ of such establishment, so long as such minor shall be so employed, which certificate shall also state, in the case of a minor under the age of fourteen years, the amount of his or her school attendance during the year next preceding such employment. Said certificate shall be made by or under the direction of the school committee of the place where such attendance has been had, or where such establishment is located.

Employment without requiring certificate, to be deemed violation of law.

SECTION 2. In case no such certificate shall have been required by such owner, superintendent or overseer, then such employment shall be deemed to have been a violation of the second section of chapter fifty-two of the acts of the year eighteen hundred and seventy-six.

Tenant officers may require production of certificates for their inspection.

SECTION 3. The truant officers may demand the names of the minor children under the age of sixteen years employed in the establishments above named in their several cities and towns, and may require that the certificates of age and school attendance prescribed in this act shall be produced

for their inspection; and if the name and certificate as aforesaid be not produced in any case, it shall be *prima facie* evidence that the employment of such child is illegal.

SECTION 4. On and after the first day of May, eighteen hundred and eighty, no child under fourteen years of age shall be employed in any manufacturing, mechanical or mercantile establishment, while the public schools in the city or town where such child lives are in session, unless such child can read and write. Every owner, superintendent or overseer in any establishment above named, who employs, or permits to be employed, any child in violation of this section, and every parent or guardian who permits such employment, shall for every such offence forfeit a sum of not less than twenty nor more than fifty dollars for the use of the public schools of such city or town.

SECTION 5. Section two of chapter fifty-two of the acts of the year eighteen hundred and seventy-six is hereby amended by inserting after the word "employed", in the second line, the words "except during the vacations of the public schools."

Approved May 15, 1878.

On and after May 1, 1880, children under fourteen years not to be employed, while public schools are in session, unless they can read and write.

Penalties.

Amendment to 1876, 52, § 2.

AN ACT CONCERNING COMMERCIAL FERTILIZERS.

Chap. 258

Be it enacted, &c., as follows:

SECTION 1. Every lot or parcel of commercial fertilizer sold, offered or exposed for sale, within this Commonwealth, shall be accompanied by a printed label which shall state clearly the composition of the same, as follows, to wit: — in the case of all fertilizers which are sold at more than twelve dollars per ton, and which contain nitrogen, potassium, or phosphorus, the said label shall give the percentage of anhydrous potassium oxide or its equivalent of potassium and of phosphoric oxide or anhydrous phosphoric acid, in any form or combination soluble in distilled water, and the percentage of nitrogen in the fertilizer which it accompanies. In the case of those fertilizers which consist of other and cheaper materials, the said label shall give a correct general statement of the composition and ingredients of the fertilizer it accompanies.

SECTION 2. Every manufacturer or importer of commercial fertilizers as specified in section one, before offering the same for sale in this Commonwealth, shall procure from the secretary of the Commonwealth a license as a manufacturer or importer of the same, and shall pay into the treasury of the Commonwealth the sum of fifty dollars annually as a license fee; and shall at the same time file

Commercial fertilizers offered for sale to be accompanied by a printed label stating the composition of the same.

License for sale to be procured from secretary of the Commonwealth, and names of principal agents and name and composition of fertilizer to be filed with secretary

of board of agriculture.

with the secretary of the state board of agriculture a paper giving the names of his principal agents and also the name and composition of the fertilizer or fertilizers manufactured or imported by him. Such license shall entitle the person to whom it is issued to sell and offer for sale only one distinct kind of fertilizer, but such person shall be entitled to sell any other kind of fertilizer upon the payment into the treasury of the Commonwealth an additional license fee of fifteen dollars for each such additional kind.

Penalties.

SECTION 3. Any person selling, offering or exposing for sale any commercial fertilizer without the statement required by the first section of this act, or with a label stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, or respecting the sale of which all the provisions of section two have not been fully complied with, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence.

Inspector of fertilizers to analyze specimens of all kinds offered for sale.

SECTION 4. The chemist of the state board of agriculture shall be *ex officio* a member of said board and state inspector of fertilizers. It shall be the duty of said inspector annually to analyze one or more specimens of every kind of commercial fertilizer coming within the provisions of this act which may be offered for sale within this Commonwealth, and of the existence of which he shall be informed by the secretary of the state board of agriculture; and for this purpose he is authorized and directed to take from any package or packages of such fertilizers which may be in the possession of any dealer, a sample not exceeding one pound in weight. He shall report annually to the state board of agriculture the result of his inspection and the analyses made by him, and furnish to the secretary of said board such important information in regard to commercial fertilizers as he may from time to time obtain.

Fee for analysis to be paid from the state treasury.

SECTION 5. The fee of the state inspector of fertilizers shall be twenty-five dollars for each analysis made by him, or under his direction, and travelling expenses, to be paid from the treasury of the Commonwealth on the certificate of the state board of agriculture: *provided*, that no larger sum shall be paid for such services each year than is paid into the treasury of the state for license fees as provided in section two.

Proviso.

Secretary of board of agriculture to prosecute.

SECTION 6. It shall be the duty of said inspector, upon ascertaining any violation of this act, to forthwith inform

the manufacturer and the secretary of the state board of agriculture in writing thereof; and it shall be the duty of said secretary to immediately institute proceedings against all persons violating this act.

acute violations of act.

SECTION 7. The license required by section two shall be issued by the secretary of the Commonwealth in the manner provided by chapter three hundred and thirty-one of the acts of the year one thousand eight hundred and seventy.

License to be issued by secretary of the Commonwealth.

SECTION 8. Chapters two hundred and six and three hundred and seventy-eight of the acts of the year one thousand eight hundred and seventy-four are hereby repealed.

Repeal of 1874, 206, 375.

SECTION 9. This act shall take effect upon its passage.

Approved May 15, 1878.

AN ACT TO LIMIT THE AMOUNT RECOVERABLE FOR DAMAGES OR INJURY CAUSED BY DEFECTS OF HIGHWAYS, TOWNWAYS, CAUSEWAYS OR BRIDGES.

Chap. 259

Be it enacted, &c., as follows:

SECTION 1. No person shall recover from any town, city, county or place, in any action provided for by chapter two hundred and thirty-four of the acts of the year eighteen hundred and seventy-seven, a greater sum for damages or injury than one-fifth of one per cent. of the valuation of such town, city, county or place, as ascertained by the state valuation of estates within the Commonwealth last preceding the commencement of the action, nor a greater sum than four thousand dollars.

Amount of damages recoverable under 1877, 234, limited to one-fifth of one per cent. of valuation of town, &c.

SECTION 2. All acts and parts of acts so far as they are inconsistent herewith are hereby repealed, except as to actions now pending; and the provisions of this act shall not apply to such actions.

Repeal.

Approved May 15, 1878.

AN ACT CONCERNING TRUSTEE PROCESS.

Chap. 260

Be it enacted, &c., as follows:

SECTION 1. No trustee writ issuing from a police, district or municipal court, shall be made returnable more than thirty days after its date; and when partners are summoned as trustees in such a writ from any of said courts, or a trial justice, service thereof on one partner shall be sufficient, if the partnership is properly described in the writ; and service of any such trustee writ on any party therein, seven days at least, before the return day thereof, shall be sufficient time in all cases, any law to the contrary notwithstanding.

Trustee writ to be returnable not more than thirty days after its date.

Service upon one partner to be sufficient.

Penalty for attaching wages exempt from attachment, for purpose of delaying payment to whom the same belongs.

SECTION 2. Any person who shall wilfully cause, or aid and abet in causing, the wages for the personal services of any wife or minor children of any husband for the debts of such husband, or the wages for the personal services of any person which are exempt from attachment, to be attached by the trustee process, for the purpose of unlawfully hindering or delaying the payment of such wages to the person to whom the same belong, shall, on complaint of the person injured thereby or of the guardian or other person having the lawful custody of any such person who is incompetent to act, be punished by a fine not exceeding fifty dollars to be paid to the person so injured; and police, district and municipal courts, and trial justices shall have original jurisdiction of said offence.

wages for personal services exempt from attachment on a demand for necessities furnished.

f SECTION 3. In all causes of action accruing after the first day of June next, when the wages for the personal labor and services of a defendant are attached on the trustee process, on a demand for necessities furnished him or his family, there shall be reserved in the hands of the trustee a sum not exceeding ten dollars, which shall be exempt from attachment.

When wages for personal services are attached, defendant may tender amount due with fees for service.

SECTION 4. Whenever wages for personal labor or services are attached by the trustee process, the defendant may, at any time before the entry of the writ, tender to the plaintiff or his attorney the whole amount due and recoverable in the action, with the fees of the officer for serving the writ; or he may be defaulted without an appearance.

No costs recoverable except officer's and clerk's fees.

SECTION 5. Whenever a tender is made as provided in section four, no costs shall be recovered by the plaintiff except the officer's fees therein named; and whenever the defendant becomes defaulted without an appearance as therein provided, or files on the return day of the writ an offer of judgment in accordance with the provisions of section sixty-two of chapter one hundred and twenty-nine of the General Statutes, and the plaintiff accepts the same, or fails to secure more than the amount thereof, and of the interest thereon from the date of the offer, no costs shall be recovered by the plaintiff except such officer's fees and the clerk's fees.

Scire facias may be issued against trustee although amount of debt and costs exceeds jurisdiction of court.

SECTION 6. When it becomes necessary to sue out a writ of *scire facias* against a person summoned as trustee, it may be issued by the court by which the judgment was rendered, although the amount of the debt and costs therein exceeds the jurisdiction of said court.

SECTION 7. This act shall take effect upon its passage.

Approved May 15, 1878.

AN ACT RELATING TO THE RIGHTS OF DEPOSITORS IN SAVINGS BANKS. *Chap. 261*

Be it enacted, &c., as follows:

SECTION 1. Any person indebted to a savings bank in this Commonwealth, whether his indebtedness is secured or not, may in any proceeding for the collection thereof, or for the enforcement of any security therefor, set-off the amount of any deposit in said bank held and owned by him at the time of the commencement of such proceeding and of the interest due thereon: *provided, however*, that this act shall not authorize the set-off of any deposit purchased or acquired from another after the commencement of proceedings in equity to restrain such bank from doing its usual business, or after the issuing of an order under the provisions of chapter seventy-three of the acts of the year eighteen hundred and seventy-eight.

In any proceeding for collection of debt due a savings bank, defendant may set-off his deposit in the bank.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1878.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TWENTY-FIVE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SEVENTY-SIX, IN RELATION TO VOTING LISTS IN CITIES. *Chap. 262*

Be it enacted, &c., as follows:

SECTION 1. At any election held in any city of the Commonwealth between the first day of May and the day of the annual state election in any year, the voting lists prepared for the preceding municipal election shall be used, subject to the changes and erasures provided for by law, except that no name shall be added or erased on account of change of residence from one ward in the city to another, by any voter, between the preceding municipal election and such election.

Voting lists of the preceding municipal election, to be used at elections between first day of May and annual State election.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1878.

AN ACT RELATING TO CLERICAL ASSISTANCE OF REGISTERS OF PROBATE AND INSOLVENCY. *Chap. 263*

Be it enacted, &c., as follows:

SECTION 1. In case the bankrupt law of the United States shall be repealed, the registers of probate and insolvency in the several counties may each retain, for such clerical assistance as the several judges of probate and insolvency may deem necessary, out of the fees accruing from proceedings in insolvency prior to the first day of March next, a sum not exceeding one-third of the amount of salary to which such registers shall be entitled for the

Clerical assistance for registers of probate and insolvency, in case of repeal of the United States bankrupt law.

time during which the insolvency laws of the Commonwealth may be in operation prior to said first day of March ; and the judges in their respective counties shall audit the accounts of the registers for the same.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1878.

Chap. 264 AN ACT CONCERNING THE PREPARATION, PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Be it enacted, &c., as follows :

Public documents.

SECTION 1. There shall be printed annually, on or before the assembling of the legislature, or as soon thereafter as possible, the number of copies of documents and reports specified in the following list, the same to be numbered in a series to be called public documents, and distributed as herein provided ; and said reports and documents shall be made as brief as may be without omitting any facts or information which the officer or department making the report is required by law to furnish therein ; and no larger number than is herein provided for shall be printed at the expense of the Commonwealth, nor be paid for out of any contingent fund, nor the earnings of any department or institution, the earnings of which are the property of the Commonwealth ; and no bill for printing any larger number shall be approved by the auditor, nor be paid out of any funds belonging to the Commonwealth : —

Number to be printed.

Registration of Births, Marriages and Deaths, one thousand copies.

Report of Secretary of Board of Education, four thousand copies.

Report of Librarian of State Library, one thousand copies.

Report of Secretary of Board of Agriculture, sixty-four hundred copies.

Report of Treasurer and Receiver-General, one thousand copies.

Report of Auditor of Accounts, one thousand two hundred copies.

Report of Adjutant-General, two thousand copies.

Report of Surgeon-General, one thousand copies.

Report of Savings Bank Commissioners, one thousand four hundred copies.

Report of Insurance Commissioner, on Fire Insurance, two thousand four hundred copies.

Report of Insurance Commissioner, on Life Insurance, one thousand copies.

- Abstract of Returns of Corporations, two thousand copies.
- Aggregates of Polls, Property and Taxes, one thousand five hundred copies.
- Report of Land Commissioners, one thousand one hundred copies.
- Report of Attorney-General, one thousand five hundred copies.
- Report of Inspectors and Warden of State Prison, one thousand copies.
- Report of Agent for Discharged Convicts, one thousand copies.
- Reports of Secretary and other officers of Board of State Charities, one thousand nine hundred copies.
- Report of Trustees of State Reform School at Westborough, one thousand copies.
- Report of Trustees of Industrial School for Girls, one thousand copies.
- Report of Inspectors of State Primary School at Monson, one thousand copies.
- Report of Trustees of Lunatic Hospital at Northampton, one thousand copies.
- Report of Trustees of Lunatic Hospital at Taunton, one thousand copies.
- Report of Trustees of Lunatic Hospital at Worcester, one thousand copies.
- Report of Trustees of Lunatic Hospital at Danvers, one thousand copies.
- Report of Inspectors of State Workhouse at Bridgewater, one thousand copies.
- Report of Inspectors of State Almshouse at Tewksbury, one thousand copies.
- Report of Trustees of Perkins Institution and Massachusetts School for the Blind, one thousand copies.
- Report of Trustees of School for Idiotic and Feeble-Minded Youth, one thousand copies.
- Report of Harbor Commissioners, one thousand five hundred copies, five hundred to be placed at the disposal of the Commissioners.
- Report of Commissioners on Inland Fisheries, one thousand five hundred copies.
- Report of Tax Commissioner, one thousand seven hundred copies.
- Report of Commissioners on Prisons, one thousand copies.
- Report of Railroad Commissioners and returns of railroad corporations, one thousand five hundred copies.

Number of public documents to be printed.

Report of Railroad Commissioners (without returns), one thousand five hundred copies.

Report of the Chief of the State Detective Force, one thousand copies.

Report of State Board of Health, three thousand eight hundred copies.

Report of Bureau of Statistics of Labor, two thousand four hundred copies.

State printers to retain five hundred copies for binding in sets.

SECTION 2. The state printers are authorized to retain five hundred copies of each of the series of public documents named in section one of this act, for binding in sets; the secretary of the Commonwealth being authorized to furnish, as heretofore, one set to each city and town, and one set to such public and other libraries as he in his discretion may select. And all public documents the distribution of which is not otherwise provided for shall be distributed under direction of the secretary of the Commonwealth and the secretaries or heads of the several boards and departments.

Manual, and lists of members and committees to be printed.

SECTION 3. There shall also be printed the following:—

Of the Manual for the General Court, to be prepared each year by the clerks of the two branches, two thousand five hundred copies.

Of the Lists of Members and Committees of the General Court, to be prepared each year by the clerks of the two branches, one thousand five hundred copies; three hundred and fifty of which shall be bound in memorandum-book form, for the use of members and officers of the legislature.

"Blue Book," and pamphlet editions of the laws.

Of the "Blue Book," seventeen hundred and eighty copies.

Of the General Laws, twenty thousand copies.

Distribution of documents.

SECTION 4. Each member of the executive and legislative departments, and each reporter assigned a seat in either branch of the legislature, shall be entitled to receive one copy of each of the documents named in this act. Each member of the legislature shall also be entitled to receive ten additional copies of the report of the secretary of the board of agriculture, five additional copies of the report of the state board of health, two additional copies of the manual and two additional copies of the "blue book." Three hundred copies of the manual shall be reserved for the succeeding general court; and the remaining copies of the manual, and lists of members and committees, shall be in charge of the clerks of the two branches, to be dis-

tributed at their discretion; members of the legislature and state officers to be entitled to first consideration.

SECTION 5. There shall be printed, to be sold under the direction of the secretary of the Commonwealth, at a price not less than the actual cost of the same, of the following-named documents:—

Documents
printed for sale.

Report of the Secretary of the Board of Education, one hundred copies.

Report of the Secretary of the Board of Agriculture, one hundred copies.

Reports of the Secretary and other Officers of the Board of State Charities, one hundred copies.

Report of the Savings Bank Commissioners, one hundred copies.

Report of the Railroad Commissioners and returns of railroad corporations, one hundred copies.

Report of Insurance Commissioner, on Fire Insurance, one hundred copies.

Report of Insurance Commissioner, on Life Insurance, one hundred copies.

Report of the State Board of Health, one hundred copies.

Report of the Adjutant-General, one hundred copies.

Report of the Bureau of Statistics of Labor, one hundred copies.

“Blue Book,” one hundred copies.

Manual, one hundred copies.

SECTION 6. The state printers are authorized to stereotype and secure copy-right upon the following named documents:—The Report of the Secretary of the Board of Agriculture, and the Report of the State Board of Health; and to print, from time to time, such copies as may be required to supply the public demand; said copies to be supplied to applicants at cost.

Certain documents to be stereotyped and copy-righted.

SECTION 7. There shall be printed and sold, under the direction of the secretary of the Commonwealth, at a price not less than the actual cost of the same, five hundred copies of the General Railroad Law, chapter three hundred and seventy-two of the acts of the year eighteen hundred and seventy-four, and all subsequent acts amendatory thereof, in a form to show what portions of the original act are amended or repealed: *provided*, that nothing in this section shall authorize the printing of such laws after the expiration of the current year.

General railroad laws to be printed and sold.

SECTION 8. Chapter two hundred and forty-eight of the acts of eighteen hundred and seventy-seven, and all

Repeal.

other acts or parts of acts inconsistent herewith, are hereby repealed.

When and how
to take effect.

SECTION 9. This act shall take effect upon its passage, except so far as it relates to the printing and distribution of documents of the year eighteen hundred and seventy-seven, and the General Laws and "Blue Book" for eighteen hundred seventy-eight. *Approved May 16, 1878.*

Chap. 265 AN ACT TO PROVIDE FOR THE ENROLMENT OF THE MILITIA,
FOR THE ORGANIZATION OF THE VOLUNTEER MILITIA, AND FOR
THE PUBLIC DEFENCE.

Be it enacted, &c., as follows:

ARTICLE I.

Of the Persons Subject to Military Duty.

Persons to be
enrolled.

SECTION 1. Every able-bodied male citizen, resident within this state, of the age of eighteen years, and under the age of forty-five years, excepting persons exempted by sections two, three, and five, and idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia. Persons so convicted after enrolment shall forthwith be disenrolled; and, in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

Exemptions
from enrolment.

SECTION 2. In addition to the persons exempted from enrolment in the militia by the laws of the United States, the persons hereinafter mentioned shall also be absolutely exempted from enrolment, viz.: —

Justices and clerks of courts of record;

Registers of probate and insolvency;

Registers of deeds, and sheriffs;

Officers who have held or may hold commissions in the regular or volunteer army or navy of the United States;

Officers who have held, for a period of five years, commissions in the militia of this or any other state of the United States, or who have been superseded and discharged, or who held commissions in any organization of the Massachusetts volunteer militia at the time of its disbandment;

Ministers of the gospel;

Practising physicians;

Superintendents, officers and assistants employed in or about either of the state hospitals, state almshouses, state prisons, jails, or houses of correction;

Keepers of light-houses;

Conductors and engine-drivers of railroad trains ;

Seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

SECTION 3. Every person of either of the religious denominations of Quakers or Shakers, who, on or before the first Tuesday in May, annually, produces to the assessors of the city or town in which he resides a certificate signed by two or more of the elders or overseers (as the case may be) and countersigned by the clerk of the society with which he meets for public religious worship, shall be exempted from enrolment. The certificate shall be in form as follows:—

Quakers and Shakers exempted from enrolment.

We, the subscribers, of the society of the people called _____ in the _____ of _____, in the county of _____, do hereby certify that _____ is a member of our society, and that he frequently and usually attends religious worship with said society; and we believe he is conscientiously scrupulous of bearing arms.

E. F., *Clerk.*

A. B., } Elders or Overseers,
C. D., } (as the case may be.)

SECTION 4. If elders or overseers of a society of Quakers or Shakers give the certificate provided in section three to a person who does not profess the religious faith of their society, or who is not a member thereof, or who is not conscientiously scrupulous of bearing arms, each elder or overseer so offending shall forfeit two hundred dollars to the use of the Commonwealth, and be imprisoned not exceeding six months; and any person claiming to be exempted from enrolment by virtue of such a certificate, who does not profess the religious faith or is not a member of the society named therein, or who is not conscientiously scrupulous of bearing arms, shall be liable to the same penalty.

Penalties for giving false certificate.

SECTION 5. Enginemen or members of the fire department in a city or town shall be exempted from military duty by forthwith filing with the assessors of the city or town in which they reside a certificate that they are enginemen or members of the fire department as aforesaid, signed by the mayor and aldermen or fire commissioners of such city, or the selectmen of such town; but when a member of a volunteer company is, after his enlistment, appointed an engineman or member of the fire department, it shall not vacate his enlistment.

Members of fire department may be exempted from duty.

SECTION 6. The enrolled militia shall be subject to no active duty, except in case of war, invasion, the preven-

**Enrolled militia
subject to no ac-
tive duty except**

in case of war, &c. tion of invasion, the suppression of riots, and to aid civil officers in the execution of the laws of the Commonwealth.

ARTICLE II.

Of the Enrolment of Persons Subject to Military Duty.

Assessors to make list of persons liable to enrolment.

SECTION 7. Assessors shall annually, in May or June, make a list of persons living within their respective limits liable to enrolment, and place a certified copy thereof in the hand of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually, in May, June, or July, transmit returns of the militia thus enrolled to the adjutant-general.

Keepers of taverns and masters of dwelling houses to give names to assessors.

SECTION 8. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses, shall, upon application of the assessors within whose bounds their houses are situated, or of persons acting under them, give information of the names of persons residing in their houses liable to enrolment or to do military duty; and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress or person, refuses to give such information, or gives false information, such keeper, master or mistress, shall forfeit and pay twenty dollars, and such person shall forfeit and pay twelve dollars, to be recovered on complaint of either of the assessors.

ARTICLE III.

Of calling out and organizing the Enrolled Militia for Active Duty.

Calling out the enrolled militia for active duty.

SECTION 9. Whenever it shall be necessary to call out any portion of the enrolled militia for active duty, the commander-in-chief shall direct his order to the mayor and aldermen of cities, or to the selectmen of towns, who, upon receipt of the same, shall forthwith, by written or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the enrolled militia in their city or town, and shall then and there proceed to draft as many thereof, or accept as many volunteers as is required by the order of the commander-in-chief, and shall forthwith forward to the commander-in-chief a list of the persons so drafted or accepted as volunteers.

Penalty for not appearing when drafted.

SECTION 10. Every member of the enrolled militia ordered out, or who volunteers or is detached or drafted, under the provisions of this act, who does not appear at

the time and place designated by the mayor and aldermen or selectmen, or who has not some able-bodied and proper substitute at such time and place, or does not pay to such mayor and aldermen or selectmen, for the use of the Commonwealth, the sum of seventy-five dollars within twenty-four hours from such time, or who does not produce a sworn certificate, from a physician in good standing, of physical disability to so appear, shall be taken to be a deserter, and dealt with accordingly.

The portion of the enrolled militia so accepted shall be immediately mustered into the service of the Commonwealth for three years, or such less period as the commander-in-chief may direct, and shall be organized into companies, which may be arranged in battalions or regiments, or assigned to organizations of the volunteer militia already existing. Such new organizations shall be officered, equipped, trained and governed, according to the laws for government of the volunteer militia.

Militia accepted to be mustered into service for three years.

Elections shall forthwith be ordered in such new organizations by the commander-in-chief, who may detail officers to train and command them until the officers elect shall have qualified, and shall have passed the examination required by section fifty-two.

Election of officers.

ARTICLE IV.

Of the Staff of the Commander-in-chief, and their Duties.

SECTION 11. The staff of the commander-in-chief shall consist of an adjutant-general, with the rank of major-general, who shall be *ex officio* chief of staff, an inspector-general, a quartermaster-general, a commissary-general, a surgeon-general, and a judge-advocate-general, each with the rank of brigadier-general, who shall take precedence in the order named, and four aides-de-camp, each with the rank of colonel, and such additional officers of the staff as the public service may require, with such rank as the commander-in-chief may designate. They shall be commissioned, and hold office until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief. In times of peace, unless otherwise directed by the commander-in-chief, the adjutant-general shall be quartermaster-general, commissary-general, and chief of ordnance.

Staff of the commander-in-chief.

SECTION 12. The adjutant-general shall distribute all orders from the commander-in-chief; attend all public reviews when the commander-in-chief shall review the

Adjutant-general to distribute all orders from the commander-in-chief.

militia, or any part thereof; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the state and of the United States; furnish blank forms for the different returns and rolls as may be required; receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual condition of their uniforms, arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the advancement of good order and discipline, all of which the several officers of the volunteer militia are hereby required to make, so that the adjutant-general may be furnished therewith; and from all said returns he shall make proper abstracts, and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the state, with the condition of their uniforms, arms, accoutrements, and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief, and the other of which he shall transmit to the president of the United States. He shall, once in each year, inspect each armory, drill-hall, and headquarters provided for the volunteer militia.

To make annual report.

To inspect armories once a year.

Quartermaster-general to give bond with sureties.

SECTION 13. The quartermaster-general shall give bond to the state in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, such stores and property.

The commander-in-chief may require the duties imposed upon the quartermaster-general by this act to be performed by any member of his staff, who shall in that case give bond to the state in like manner as is required of the quartermaster-general.

To have care of camp-ground and arsenals.

The quartermaster-general, under the orders of the commander-in-chief, shall have the care and control of the state camp-ground, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham, and all military property of the state, excepting such as is by law expressly intrusted to the keeping of other officers. He

shall purchase and issue all arms, ammunition, clothing, camp-equipage, and military supplies and stores of every description, except surgical instruments and medical supplies; he shall procure and provide means of transport for the militia, and for all its implements, munitions of war and military supplies, such transportation to be in kind whenever practicable. He is authorized to receive into the store-house at the state camp ground, from the several militia organizations, such articles of personal property used for military camping purposes as can be accommodated therein; these articles shall be received and delivered at the expense of the owners thereof, and be held at such owners' risk.

He may allow proper accounts annually for the repairs of uniforms and equipments; and, for the benefits to be derived from the accommodations which may be provided at the state camp ground for target practice, he is hereby authorized to allow, twice each year, to the officers and enlisted men of the volunteer militia, a sum not to exceed two cents per mile for travel to and from the state camp ground. For target practice upon such occasions he may issue a reasonable amount of ammunition.

May allow for repairs of uniforms and equipments.

Target practice.

SECTION 14. The inspector-general, his assistants, or such other officers as the commander-in-chief shall indicate, shall make a general inspection of the militia at encampments, and detailed inspections in May or June, as provided in section one hundred and four; they shall also inspect, once in each year, and oftener if the commander-in-chief shall deem necessary, all armories and all state property in the hands of the militia.

Inspector-general to inspect militia at encampments.

The inspector-general, or his assistants under his orders, may inspect any organization at any time when the troops thereof are under arms, or in attendance at their armories; but such inspections shall not constitute tours of duty for which pay will be allowed.

Inspections with reference to disbandment, or on account of alleged inefficiency or irregularity, will be made on specific orders of the commander-in-chief. Such orders will clearly set forth their objects, and will be exhibited to the officers whose commands or affairs are to be examined or reported upon; and every opportunity will be given them to make explanation, at the time, of all apparent neglect or violation of regulations. Such inspections, ordered by the commander-in-chief, will constitute tours of duty for which pay will be allowed.

Inspections with reference to disbandment to be made on orders of the commander-in-chief.

The inspector-general and his assistants shall act under

the orders of the commander-in-chief. Assistant inspectors-general of brigades shall act under the orders of their generals, and shall not be interfered with by other officers, of whatever rank or position, belonging to the commands of the officers on whose staffs they are; their sphere of inquiry shall include every branch of military affairs, but may in special cases be defined and limited by orders.

Surgeon-general.

SECTION 15. The surgeon-general, subject to the orders of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and shall prescribe the physical and mental disabilities exempting from military duty; he shall purchase and issue all medical and hospital supplies, and perform such other duties appertaining to his office as the commander-in-chief shall from time to time direct.

Judge-advocate-general.

SECTION 16. The judge-advocate-general shall be, *ex officio*, chairman of the examining board established by section fifty-two; shall review all proceedings of courts-martial which require the action of the commander-in-chief, reporting thereon in writing; shall bring such suits as may be required under provisions of this chapter; and shall be the legal adviser of the military department of the Commonwealth in such matters pertaining to the government of the militia as may be referred to him by the commander-in-chief.

Annual reports.

SECTION 17. The inspector-general, surgeon-general, judge-advocate-general, and all other officers of the staff of the commander-in-chief who are, or may be, required to make annual reports, shall forward the same to the adjutant-general on or before the fifth day of January in each year for the year preceding; such reports shall be published by him, with his annual report to the commander-in-chief.

Officers not to be pecuniarily interested in purchase or sale of articles.

SECTION 18. Neither the adjutant-general, inspector-general, quartermaster-general, commissary-general, or surgeon-general, or any assistant of either of them, whether appointed or detailed to act as such, or any subordinate officers of their departments, shall be interested, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth; nor shall they or either of them take or supply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be allowed by law.

ARTICLE V.

Of the Volunteer Militia; its Organization and Disbandment.

SECTION 19. The active militia shall be composed of volunteers, and shall be designated the Massachusetts Volunteer Militia.

Active militia to be composed of volunteers.

To resist invasion, quell insurrection, aid in the suppression of riots, to aid civil officers in the execution of the laws of the Commonwealth, or in time of public danger, the volunteer militia shall first be ordered into service.

SECTION 20. In time of peace the volunteer militia shall consist of not more than sixty companies of infantry, three companies of cavalry, three batteries of light artillery of four guns each, and two corps of cadets.

Infantry, cavalry, light artillery and cadets.

SECTION 21. The commander-in-chief shall arrange the artillery, infantry and cavalry, into regiments, battalions, and, when necessary, unattached companies, and not more than two brigades. As soon as practicable, the infantry companies shall be consolidated into not more than six regiments of two or three battalions of four companies each by assignment to existing regiments or otherwise, to effect which the commander-in-chief may honorably discharge any field or staff officer rendered supernumerary by consolidation. If, at the end of three years from the date of the passage of this act, there shall remain any infantry organization not so consolidated, the field and staff officers of such organizations shall be honorably discharged, and the companies transferred in such manner as will complete the organization as prescribed.

To be arranged into brigades and regiments.

SECTION 22. Petitions for organizing volunteer companies may be granted by the commander-in-chief, due regard being had to a proper distribution of the force through the Commonwealth; but no new company shall be organized, except as provided in section ten, if thereby the whole number of companies shall exceed the number established in this act.

Organizing new companies.

SECTION 23. To each brigade there shall be one brigadier-general, whose staff shall consist of one assistant adjutant-general, one medical director, each with the rank of lieutenant-colonel; one assistant inspector-general, with rank of major, who shall be paymaster and mustering-officer for unattached companies of such brigade; one brigade-quartermaster, one engineer, one judge-advocate, one provost-martial, and two aides-de-camp, each with the rank of captain. There shall also be allowed to each brigade the

Brigadier-general and staff.

following non-commissioned staff officers; viz., one brigade sergeant major, one brigade quartermaster sergeant, one brigade hospital steward, one brigade provost sergeant, one brigade bugler, one brigade color bearer, and two brigade sergeant clerks.

Field and staff of
regiment.

SECTION 24. To each regiment there shall be one colonel, one lieutenant-colonel, one major for each battalion, and a staff to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering-officer, and one assistant-surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff, as follows,—one sergeant major, one quartermaster sergeant, one hospital steward, and one drum major.

Major and staff
officers of battal-
ion.

SECTION 25. To each separate battalion of artillery or cavalry there shall be one major, and a staff to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering-officer, and one assistant-surgeon, each with the rank of first lieutenant, and one chaplain. There shall also be a non-commissioned staff, as follows,—one sergeant major, one quartermaster sergeant, one hospital steward, and one chief bugler and two guidon sergeants.

Company offi-
cers.

Infantry.

SECTION 26. To each company of infantry there shall be one captain, one first lieutenant and one second lieutenant, one first sergeant, four sergeants, four corporals, two musicians, and not more than forty-eight privates; and the minimum number of enlisted men shall be forty-one.

Cavalry.

To each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, five corporals (one of whom shall be the guidon), two buglers, and not more than sixty-four privates; and the minimum number of enlisted men shall be fifty-six.

Battery of light
artillery.

To each battery of light artillery of four guns there shall be one captain, two first lieutenants, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, nine corporals (one of whom shall be the guidon), two buglers, and not more than sixty-six privates; and the minimum number of enlisted men shall be fifty-seven.

To each battery of more than four guns there shall be for each additional gun one sergeant, two corporals, and not more than sixteen nor less than nine privates; for each additional two guns there shall be one additional second lieutenant.

To each unattached company of cavalry or battery of light artillery there may be a staff to consist of one assistant-surgeon with the rank of first lieutenant, and a non-commissioned staff to consist of one hospital steward.

SECTION 27. To each corps of cadets there shall be one lieutenant-colonel, one major, and a staff to consist of one surgeon with the rank of major, one adjutant, one quartermaster, one paymaster who shall be the mustering-officer, and one assistant-surgeon, each with the rank of first lieutenant, and one chaplain; there shall also be a non-commissioned staff, as follows, — one sergeant major, one quartermaster sergeant, one hospital steward and one drum major; and there shall be such number of line officers, not to exceed four captains, four first lieutenants, and four second lieutenants, and of non-commissioned officers, musicians and privates, as the commander-in-chief shall deem expedient for instruction in the school of the battalion. Cadets.

These corps of cadets shall be instructed, armed and equipped as the commander-in-chief shall direct, and shall receive the same compensation and allowances as separate battalions of infantry; they shall remain unattached, subject only to the orders of the commander-in-chief, except in case of precept as provided in section ninety-seven.

SECTION 28. The commander of a regiment, separate battalion, corps of cadets, or unattached company, may employ, or raise by enlistment, a band of musicians, not to exceed eighteen in number, to be under his direction and command. Such musicians, while on duty, shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in as prescribed for enlisted men. Regimental and battalion bands.

SECTION 29. The following officers and soldiers, and none other, are entitled to be mounted, — every general, field and staff officer, every officer of cavalry and artillery, every brigade, cavalry and artillery non-commissioned staff-officer, every enlisted man of cavalry, and the sergeants, the guidon-corporal and buglers of light artillery; one horse only shall be allowed to each of the above mentioned officers and soldiers; and there shall be allowed thirty-two draft horses to each battery of light artillery of four guns; to each battery of light artillery of more than four guns there shall be allowed for each additional gun eight draft horses. No horses shall be allowed for members of bands except by special orders of the commander-in-chief. Officers and soldiers entitled to be mounted.

SECTION 30. The commander-in-chief shall have full Disbandment.

power at any time to disband any company of the volunteer militia whenever it shall fall below a proper standard of efficiency; and he may order special inspections with a view to disbandment, to be conducted under the direction of the inspector-general.

ARTICLE VI.

Of the Election and Appointment of Commissioned Officers.

Eligibility to election or appointment to office.

SECTION 31. No person shall be eligible to election or appointment to office in the militia of this Commonwealth who is not a male citizen of the United States, of eighteen years of age or upwards, resident in this state, or who is disqualified by law from enrolment in the militia; but no citizen, otherwise qualified, shall be ineligible to office in the militia from not having been enrolled therein. No person shall be eligible to military office who is under sentence of disability to hold office or command, or of suspension from command, in the military forces of the United States or of any state. No citizen of the Commonwealth above the age of forty-five years shall on account of such age be ineligible to office in the militia, nor incapable of serving in a volunteer company.

Commissioned officers to take rank according to date of commissions.

SECTION 32. Commissioned officers shall take rank according to the date of their commissions. Between officers of the same grade, and date of appointment or commission, relative rank shall be determined by lot. The day of the appointment or election of an officer shall be expressed in his commission, and considered as the date thereof.

When a staff officer is continued in his office by a new appointment, he shall take rank according to the date of his original commission.

Appointment of staff officers.

SECTION 33. All staff officers of the militia shall be appointed as hereinafter provided, and commissioned by the commander-in-chief, on the request of the several appointing officers, provided that such appointees be eligible; but no medical officer shall be commissioned until he shall have furnished satisfactory evidence to the commander-in-chief that he is competent to perform the duties of his office, and no judge-advocate shall be commissioned unless he be a justice of the peace and a member of the Massachusetts bar.

The staff of the commander-in-chief shall be appointed by him; the staff of a brigade, by the brigadier-general

commanding: the staff of a regiment, separate battalion, corps of cadets, or unattached company, by the permanent commander thereof.

SECTION 34. The officers of the line of the militia shall be elected as follows:—

Election of line officers.

Brigadier-generals, by the written votes of the field officers of the respective brigades; field officers of regiments, separate battalions, and corps of cadets, by the written votes of the captains and lieutenants of the several companies of the respective regiments, separate battalions or corps: captains and lieutenants of companies, by the written votes of the enlisted men of the respective companies; except that, in the corps of cadets, captains and lieutenants shall be elected by the written votes of the enlisted men of the respective corps.

SECTION 35. Elections of brigadier-generals shall be ordered by the commander-in-chief. Elections of other officers of the militia shall be ordered either by the commander-in-chief, or by such officers as he may authorize.

Elections of brigadier-generals.

SECTION 36. No election of officers shall be ordered in any company unless there shall be actually enlisted and mustered therein at least the minimum number of enlisted men prescribed in section twenty-six.

Election of company officers not to be ordered until 41 men are enlisted, &c.

SECTION 37. Vacancies in the grades of company officers shall be filled, and the officers elect commissioned, before any choice is made of field officers for the respective organizations; and every vacancy in the grade of field officer shall be filled in each brigade before any choice is made of brigadier-general in that brigade.

Vacancies in company officers to be filled before election of field officers.

SECTION 38. Elections shall be held at the places most convenient for the majority of the electors.

Elections to be held at convenient places.

SECTION 39. No notice for an election shall be legal unless given to each elector at least four days previous to the time of the meeting, either verbally, or by delivery to him in person, or leaving at his usual place of business or abode the order for such election.

Notice of elections.

SECTION 40. Officers ordering elections may preside or detail some officer of suitable rank to preside; an officer of the rank of captain may preside at the election of an officer of equal or inferior grade; but no candidate for the vacancy shall preside at the election, except to adjourn the meeting if no proper officer appear to preside.

Officers ordering elections may preside or order officer of suitable rank.

SECTION 41. At all elections, the presiding officer shall keep a record of the proceedings, and shall make a certified return of the election, or of neglect or refusal to elect, within ten days thereafter, to the adjutant-general, through

Presiding officer to keep record, and make return to the adjutant-general.

the proper military channel, for the information of the commander-in-chief: and the officer elect shall thereupon be commissioned and notified to appear before the examining board provided in section fifty-two.

Certified roster or roll to be furnished to presiding officer.

SECTION 42. A certified roster of the brigade, regiment, battalion, corps of cadets, or a certified roll of the company or companies, as the case may be, shall be furnished to the presiding officer previous to an election.

Majority of electors to be present and voting.

SECTION 43. No election shall be held unless a majority of the electors be present and voting.

Adjournment of elections.

SECTION 44. Elections may be adjourned not exceeding twice, and each adjournment for a period not exceeding two days.

Failing to elect, facts to be reported to adjutant-general.

SECTION 45. In case there be no quorum, or the electors present fail from any cause to elect, and the meeting be adjourned, the presiding officer shall report the facts in writing to the adjutant-general.

Election by a majority vote.

SECTION 46. The person who has a majority of the written votes of the electors present, at a meeting duly notified, shall be deemed elected, and the presiding officer shall forthwith notify him of his election.

Acceptance or declination to be made within six days of election.

SECTION 47. Every person elected to office in the militia shall within six days declare in writing or in person to the officer presiding at his election his acceptance or declination of such office, and such declaration shall be made a part of the return of the presiding officer.

Upon refusal to accept at the meeting, another election may be had.

SECTION 48. If, before the meeting for the election of any officer is dissolved, the person chosen signifies, either in person or in writing, to the presiding officer, his refusal to accept, the same shall be recorded, and made part of the return, and the electors shall proceed to another election.

Acceptance of new office shall vacate the office previously held.

SECTION 49. When an officer holding a military commission is elected or appointed to another office in the militia, and accepts the same, such acceptance shall vacate the office previously held, but such officer may continue to serve until his successor is qualified in his stead.

Upon neglect to fill vacancy, commander-in-chief may appoint.

SECTION 50. When the electors neglect or refuse to elect to fill a vacancy, the commander-in-chief shall, except as provided in the following section, appoint a suitable person.

Company without officers, refusing to elect, to be disbanded.

SECTION 51. If a company without commissioned officers shall have been twice ordered to elect officers, and neglects or refuses to elect at least one of such officers, the company shall be forthwith disbanded by the commander-in-chief.

SECTION 52. Every commissioned officer except the

staff officers of the commander-in-chief, medical officers and chaplains shall, upon being notified as provided in section forty-one, appear before an examining board, to consist of the judge-advocate-general, and two other officers to be designated by the commander-in-chief. The board shall examine the said officer as to his military and general qualifications, and administer to him the oaths as prescribed in section fifty-three. If in their opinion such officer is competent, the fact shall be certified to the commander-in-chief, who shall issue his order announcing the result of such examination.

Officers to appear before examining board.

Any officer who shall fail to appear before the board of examiners within sixty days from the date of his election or appointment, or who shall fail to pass a satisfactory examination before said board, shall be forthwith discharged by the commander-in-chief.

Officer failing to appear or to pass examination, to be discharged.

SECTION 53. Every commissioned officer, before he enters upon the duties of his office or exercises any command, shall take and subscribe the following oaths and declarations:—

Oaths of office.

"I, A B, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God."

"I, A B, do solemnly swear that I will obey the lawful orders of all my superior officers."

"I, A B, do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the Commonwealth. So help me, God."

"I, A B, do solemnly swear that I will support the constitution of the United States. So help me, God."

All officers shall take and subscribe such oaths before the examining board, provided by section fifty-two, except the staff officers of the commander-in-chief, who may take such oaths before any competent authority.

Qualifying officers.

And on the back of every commission the following certificate shall be printed and signed by the person before whom such officer is qualified:—

Certificate of qualification.

"This may certify that A B, commissioned as within on this day of _____, A.D. _____ personally appeared and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office.

"Before me, _____."

ARTICLE VII.

Of the Appointment and Reduction of Non-commissioned Officers.

Non-commissioned officers.

Appointment.

SECTION 54. Non-commissioned staff officers of brigades, regiments, separate battalions, corps of cadets and unattached companies, shall be appointed by their respective permanent commanders; and such commanders of regiments, separate battalions and corps of cadets shall appoint the non-commissioned officers of companies, upon the written nomination of the respective captains; but they may withhold such appointment if in their judgment there be proper cause.

Non-commissioned officers of unattached companies shall be appointed by their respective captains.

The permanent commander of any regiment, separate battalion, corps of cadets or unattached company, may reduce to the ranks any company non-commissioned officer of his command: permanent commanders of corps of cadets may reduce to the ranks non-commissioned staff officers of their corps.

May be reduced to the ranks.

Company non-commissioned officers may be reduced to the ranks by sentence of a court-martial, as prescribed in section one hundred and thirty-six.

ARTICLE VIII.

Of the Enlistment and Muster-in of Soldiers.

Enlistment and muster-in of soldiers.

SECTION 55. Every person enlisting in the volunteer militia shall be mustered into the service of the Commonwealth for a term of three years: *provided, however*, that any soldier who may have received an honorable discharge from the Massachusetts volunteer militia by reason of the expiration of his term of service may be re-enlisted and mustered in for a term of one, two or three years, as he may elect. All terms of service shall commence at noon on the date of muster-in.

Privates.

SECTION 56. All soldiers, except non-commissioned staff officers, shall be enlisted and mustered in as privates.

Recruiting officers.

SECTION 57. Captains shall be the recruiting officers for their companies, the commanding officers of brigades, regiments and separate battalions, for their respective non-commissioned staffs, the commanding officers of corps of cadets for their respective corps, and such persons as the commander-in-chief may appoint for new companies

under section twenty-two until a captain shall have been elected or appointed to such company.

SECTION 58. Every person recruited for the Massachusetts volunteer militia shall sign an enlistment roll, in form as follows:—

Form of enlistment roll.

“I, whose signature is hereunto affixed, do hereby enlist in (*company, battalion, or regiment, or corps, &c.*) of the Massachusetts Volunteer Militia, for the term set against my name, subject to all laws and regulations which may govern the same; and I do declare that I know of no impediment to my serving honestly and faithfully as a soldier for the term of my enlistment.”

SECTION 59. As soon as practicable, and not more than thirty days after such enlistment, the soldier shall be mustered in by a competent mustering-officer, before whom he shall make oath as follows:—

Oath administered by mustering-officer.

“I, _____, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof; and I do also solemnly swear that I will faithfully observe and obey all laws and regulations for the government of the volunteer militia of said Commonwealth, and the orders of all officers elected or appointed over me. I do also solemnly swear that I will support the constitution of the United States. So help me, God.”

Sworn to before me,

Mustering Officer.

And no enlisted man shall be held to duty in the volunteer militia, or receive any compensation or allowance, until he shall have been so mustered.

SECTION 60. The commanding officer of any regiment or separate battalion may forbid the muster-in of any person enlisted by a captain of such regiment or battalion, whenever in his judgment the person so enlisted is unfit to be a member of the volunteer militia.

Muster-in of enlisted man may be forbidden by regimental or battalion commander.

SECTION 61. No soldier whose term of service remains unexpired in one organization shall enlist in another organization of the volunteer militia.

Not to enlist in another organization before term of service expires.

ARTICLE IX.

Of the Discharge of Commissioned Officers.

SECTION 62. An officer may be discharged by order of the commander-in-chief, upon either

An address of both houses of the legislature;

The report of a court of inquiry;

Or the sentence of a court-martial.

Discharge of officer upon sentence of court-martial, etc.

SECTION 63. An officer shall be discharged by the commander-in-chief when such officer fails to pass the

Upon failure to pass examination.

board of examiners, or fails to appear before said board as provided in section fifty-two.

Upon resignation,
dismissal, disband-
ment, etc.

SECTION 64. An officer may be honorably discharged by the commander-in-chief,

Upon tender of resignation ;

Upon the disbandment of the organization to which he belongs ;

Or, if a staff officer, on the written request of the officer appointing him, or upon the qualification of his appointed successor ;

Or when he shall accept an appointment in the army or navy of the United States.

Dismissal for
crime or sen-
tence of court-
martial.

SECTION 65. An officer may be dismissed by the commander-in-chief,

When it shall appear to him that such officer has been convicted of any crime, or has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any other state ;

Or to carry out the sentence of a court-martial.

Certificate of
discharge.

SECTION 66. All officers discharged from the service of the state shall be entitled to receive a certificate of such discharge in such form as the commander-in-chief shall direct.

ARTICLE X.

Of the Discharge of Enlisted Men.

Discharge of en-
listed men.

SECTION 67. No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following reasons : —

To accept promotion by commission ;

Upon removal of residence from the state, or out of the bounds of the command to which he belongs, to so great a distance, that, in the opinion of his commanding officer, he cannot properly perform his military duty ;

Upon disability, established by certificate of a medical officer ;

Upon conviction of felony in a civil court ;

Whenever the commander-in-chief shall approve the application of two-thirds of the members of a company, requesting the discharge of a soldier thereof for being habitually troublesome, or of such character as to degrade the company ;

Whenever, in the opinion of the commander-in-chief, the interests of the service demand such discharge ;

Upon his own application, approved by the commanding officer of his company, and by superior commanders ;

To carry out the sentence of a court-martial.

SECTION 68. Dishonorable discharges, or discharges in such form as to forbid re-enlistment, shall be given only in accordance with sentences of courts-martial.

Dishonorable discharge, upon sentence of court-martial.

SECTION 69. Every soldier discharged from the service of the Commonwealth shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor.

Certificate to state reason of discharge.

ARTICLE XI.

Of Arms, Uniforms and Equipment.

SECTION 70. All commissioned officers shall provide themselves with such uniforms, arms and equipments complete as the commander-in-chief shall from time to time prescribe ; and such uniforms, arms and equipments shall be free from all suits, distresses, executions or sales for debt or payment of taxes.

Commissioned officers to provide themselves with such uniforms as prescribed by the commander-in-chief.

SECTION 71. Every organization of the volunteer militia shall be provided, at the expense of the Commonwealth, with such uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, such camp and garrison equipage and military supplies, as may be necessary for the proper training and instruction of the force, and for a proper performance of the duty required under this chapter, except as provided in section seventy. Such property shall be issued to commanders of brigades, regiments, battalions, corps of cadets, companies or detachments, by the quartermaster-general, upon requisitions in such form as may be prescribed ; but, in time of peace, no uniforms, arms, equipments or military supplies, shall be issued to or for the use of any company, unless the said company shall have at least the minimum number of enlisted men prescribed by law.

Every organization to be furnished by the state with arms, uniforms and equipments.

SECTION 72. The uniform of the volunteer militia shall consist of a coat, a fatigue blouse or jacket, a pair of trousers, a hat complete, and a fatigue cap, for each enlisted man, the style of which shall be prescribed by the commander-in-chief ; and uniforms hereafter provided shall be substantially alike for each arm of the service.

Uniform of the volunteer militia.

No uniforms shall be provided by the state, except by a special appropriation for that purpose ; in which case the purchase shall be made under such inspection as the commander-in-chief may direct.

Uniforms, etc., to remain the property of the state, and be used for military purposes only.

SECTION 73. The uniforms, arms, equipments and other property so furnished, shall remain and continue to be the property of the Commonwealth, to be used for military purposes only ; and such as shall not have been properly expended in such use shall be returned, when called for by proper authority.

Officer to make annual return of all property for which he is accountable.

SECTION 74. Every officer receiving public property for military use shall, on the first day of July and December in each year, make a full return of all such property for which he is accountable in such form as may be prescribed, and shall forward the same to the quartermaster-general within fifteen days of such dates.

Military property to be deposited in armories.

SECTION 75. All arms, equipments and military property of every description, which shall be furnished to the several commands under the provisions of this act, shall be deposited in the armories or headquarters of said commands for safe keeping.

All military property issued for use in service to be returned to armory within three days after tour of duty.

SECTION 76. It shall be the duty of every officer, non-commissioned officer and soldier to return to the armory or other place of deposit, each article of military property of the Commonwealth issued to and received by him for use in the military service, within three days after such tour of duty, or forthwith upon order of his commanding officer ; and the possession of any article of such property by the person to whom it was issued, elsewhere than in the armory or designated place of deposit, shall be deemed and taken to be *prima facie* evidence of embezzlement of such article of property by the person to whom it was issued.

Soldier not to wear uniform except upon duty.

SECTION 77. No soldier shall wear or use, except upon military duty, or by special permission of his commanding officer, any uniform or other article of military property belonging to the Commonwealth.

Responsibility for care and return of military property.

SECTION 78. Every officer, non-commissioned officer and soldier, to whom a uniform or other article of military property shall be delivered in pursuance of the provisions of this act, shall be held personally responsible for its care, safe keeping and return : he shall use the same for military purposes only, and upon receiving a discharge or otherwise leaving the military service, or upon the demand of his commanding officer, shall forthwith surrender and deliver up the said uniform, together with all other articles of military property that may be in his possession, to the said commanding officer, in as good order and condition as the same were at the time he received the same, reasonable use and ordinary wear thereof excepted.

SECTION 79. Any soldier who shall wilfully or maliciously destroy, injure or deface any article of military property belonging to the Commonwealth, or shall retain any property in violation of the provisions of the preceding sections, shall be punished by a fine not exceeding forty dollars, to be paid into the treasury of the Commonwealth, to be recovered on complaint of the officer responsible for such property, before any court having jurisdiction: and such delinquent shall be imprisoned in the house of correction until such fine is paid.

Penalty for injury to property.

SECTION 80. It shall be the duty of all commissioned officers of the volunteer militia to exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments and military property furnished to their several commands under the provisions of this act; and in case of any loss thereof or damage thereto by reason of the neglect or default of such officers, or either of them, to exercise such care and vigilance, he or they shall be liable to trial by court-martial for neglect of duty.

Commissioned officers liable to trial by court-martial, for damage to property caused by their neglect.

SECTION 81. Any officer receiving public property for military use shall be accountable for the articles so received by him; and he shall not transfer such property, or any portion thereof, to another, either as a loan or permanently, without the authority of the commander-in-chief; and he shall be liable to make good to the Commonwealth all such property defaced, injured, destroyed or lost by any neglect or default on his part, and for the recovery of which he has made no reasonable effort; to be recovered in an action of tort, to be instituted by the judge-advocate-general, at the request of the quartermaster-general, in the name of the Commonwealth.

Officer accountable for articles received for military use.

SECTION 82. Upon the disbandment of any organization which has received uniforms, arms, equipments or equipage from the quartermaster-general, in accordance with the provisions of this act, the commissioned officers of such organization shall be responsible for the safe return to the custody of the quartermaster-general of all public property in possession of said organization; and for any loss or damage thereto compensation may be obtained from the officer receipting for such property in the manner provided in section eighty-one.

Liability of officers upon disbandment of organization.

SECTION 83. Until an officer or his legal representative shall have received from the adjutant-general notice that the property accounts of such officer have been examined and found correct, the liability of such officer, or of his estate, for public property for which he is or may have

Liability to continue until notice given that property accounts are correct.

been responsible, shall be in no way affected by resignation, discharge, change in official position or death.

Upon the death or desertion of an officer responsible for public property, his immediate commander shall at once cause the property for which such officer was responsible to be collected, and a correct inventory made by actual count and examination; which inventory shall be forwarded to the adjutant-general, in order that any deficiency may be made good from the estate of the deceased or deserting officer; compensation for such deficiency may be recovered in the manner provided in section eighty-one.

Adoption of uniform other than that prescribed by section seventy-two.

SECTION 84. Any organization of the militia may, with the approval of a majority of its commissioned officers and the commander-in-chief, adopt any other uniform than that prescribed in section seventy-two, at their own expense; but such uniforms shall not be worn, except by permission of the commander-in-chief, when such organizations are on duty under his orders.

Volunteer organizations may own and control personal property.

SECTION 85. Volunteer organizations shall have the right to own and keep personal property which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property; action for such recovery to be brought in the name of such commanding officer in any court having jurisdiction, in any county where such organization, or part thereof, is located: and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but, upon the motion of the commander succeeding him, such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

Board to inspect and condemn public military property.

SECTION 86. The inspector-general, and two other officers designated by the commander-in-chief, shall constitute a board to inspect and condemn public military property which has or may become unfit for use; and no property shall be sold until it has been inspected and condemned as herein provided, and such condemnation approved by the commander-in-chief. The proceeds of all sales of condemned public property shall be paid into the treasury of the Commonwealth.

Military committee of legislature to visit annually arsenal and camp-ground.

SECTION 87. The committee of the legislature on military affairs shall annually visit the arsenal, state camp ground and storehouses, and make a thorough examination into the condition of the same, of the arms and munitions

of war and other property of the state or general government deposited there, and report the condition of the arsenal and property to the legislature for that year.

ARTICLE XII.

Of Armories.

SECTION 88. The mayor and aldermen and selectmen shall provide for each regiment, battalion, corps of cadets, or portion of the volunteer militia, within the limits of their respective cities or towns, a suitable armory for the purpose of drill, and for the safe keeping of the arms, equipments, uniforms and other military property furnished to such portion of the volunteer militia by the state; and shall also provide suitable grounds or places for the parade, drill and target-practice of the militia belonging to their respective cities and towns. They shall also provide for the headquarters located within their limits of each brigade, regiment, separate battalion, or corps of cadets, a suitable room for the keeping of books, the transaction of business and the instruction of officers. Necessary fuel and lights, or a reasonable allowance therefor, shall be furnished by cities and towns for each armory or headquarters located within their limits.

Armories to be provided by cities and towns.

Headquarters to be provided.

Fuel and lights to be furnished.

SECTION 89. Where two or more companies of the same battalion are located within the limits of a city or town, the mayor and aldermen or selectmen thereof shall, if practicable, provide such companies with a drill-hall, to be used by them in common, of capacity sufficient for battalion drill, together with a smaller room in the same building, for each of said companies, suitable for company meetings, and for the safe keeping of military property, as provided in the preceding section. The headquarters of each regiment, battalion, and corps of cadets, shall be established with said commands, or portions thereof, as far as practicable.

Drill-hall to be provided when two or more companies of battalion are in same place.

SECTION 90. Cities and towns in which regiments, battalions, corps of cadets, or companies, or the headquarters of brigades, regiments, battalions, or corps of cadets are located, are hereby authorized to raise money, by taxation or otherwise, for the purpose of erecting suitable buildings for the armories or headquarters of such organizations.

Money may be raised by taxation for building armories.

SECTION 91. When a company is formed from different places, the location of its armory shall be determined by a majority of its members, subject to the approval of the adjutant-general.

Location of armory when company is formed from different places.

Armories to be used for military purposes only.

SECTION 92. Armories provided for the militia shall not be used for any purpose whatever other than the legitimate uses of the commands occupying them; and no commander of any regiment, battalion, corps of cadets, or company shall allow the armory or armories of his command to be let for other than a proper military purpose, unless by approval of the commander-in-chief.

Officers to have control of armory during period of occupation.

SECTION 93. Every officer whose command occupies, assembles, or drills in any armory, drill-hall or building allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior commanders; and any person who shall intrude contrary to his orders or the orders of his superior commanders, or who shall interrupt, molest, obstruct or insult the troops, or any of them, so occupying such premises, may be dealt with as prescribed in sections one hundred and seventeen and one hundred and eighteen for like offenses at the discretion of the officer in charge of the troops, or his superior commanders: *provided, however*, that nothing in this section shall be construed to prevent reasonable inspection of the premises by the mayor and aldermen or selectmen of a city or town, or by the owners of the premises, according to the terms which may have been specified therefor in a lease.

Penalty for molesting troops.

Proviso.

Amount paid for rent to be certified, under oath, to the adjutant-general.

SECTION 94. The mayor and aldermen of cities, and selectmen of towns, shall annually, in October or November, transmit to the adjutant-general a certificate, verified by oath or affirmation of at least two of their board, showing the name of each militia organization or headquarters furnished with an armory, the amount paid for the rent thereof, and that the rent charged is fair and reasonable according to the value of real estate in their place.

Claims for rent to be audited by adjutant-general.

SECTION 95. The adjutant-general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and, under the direction of the commander-in-chief, allow them, in whole or in part, to an amount not exceeding six hundred dollars for a company of artillery or cavalry, four hundred dollars for a company of infantry, and not exceeding two hundred dollars for each brigade, regimental, or separate battalion headquarters. The amount to be allowed to a corps of cadets shall be determined by the commander-in-chief, not exceeding the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof. The adjutant-general shall, within ten days after such examination, file in the office of the

auditor his certificate, stating the sums allowed, the name of the command for whose use each sum is allowed, and the place to which it belongs; and shall thereupon notify the mayor, aldermen or selectmen, of the sum allowed to their place; which sum shall be paid, upon the warrant of the governor to such mayor and aldermen, or selectmen.

ARTICLE XIII.

Of Tours of Duty, Inspections and Drills.

SECTION 96. When an invasion of, or insurrection in, the state is made or threatened, the commander-in-chief shall call upon the volunteer militia to repel or suppress the same. If such invasion or insurrection or imminent danger thereof, in any part of the state, is so sudden that the commander-in-chief cannot be informed and his orders received and executed in season to resist or suppress the same, a brigade commander in such part of the state may order out his brigade, or any part thereof, as the commander-in-chief might do.

Volunteer militia to be called upon, in case of invasion or insurrection.

SECTION 97. When there is in any city or town a tumult, riot, mob or a body of men acting together by force, with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the Commonwealth, or when such tumult, riot or mob is threatened, and the fact is made to appear to the commander-in-chief, or the sheriff of the county, or the mayor of the city, or the selectmen of the town, the commander-in-chief may issue his order, or such sheriff, mayor or selectmen may issue a precept, directed to any commander of a brigade, regiment, battalion, corps of cadets or company, directing him to order his command, or a part thereof, to appear at a time and place therein specified, to aid the civil authority in suppressing such violence, and supporting the laws; which precept shall be in substance as follows:—

Troops may be ordered out in case of riot or tumult.

COMMONWEALTH OF MASSACHUSETTS.

Form of precept.

—, ss.

L. S.

To (*insert the officer's title*) A B, commanding (*insert his command*).

Whereas it has been made to appear to (*the sheriff, mayor, or the selectmen, as the case may be*) of the (*county, city or town*) of

Form of precept. that (*here state one or more of the causes above mentioned*) in our of _____, and that military force is necessary to aid the civil authority in suppressing the same: Now, therefore, we command you that you cause (*your command, or such part thereof as may be desired*), armed and equipped with ammunition, and with proper officers, to parade at _____, on _____, then and there to obey such orders as may be given, according to law. Hereof fail not at your peril, and have you there this precept, with your doings returned thereon.

This precept shall be signed and properly attested as the act of such sheriff, mayor or selectmen, and shall be under seal, and may be varied to suit the circumstances of the case; and a copy of the same shall be immediately forwarded to the commander-in-chief.

Officer to forthwith order troops to parade.

SECTION 98. The officer to whom the order of the commander-in-chief, or brigade commander, or such precept, is directed, shall forthwith order the troops therein called for to parade at the time and place appointed; and shall immediately notify the commander-in-chief of such order, direct in the most expeditious manner, and by letter through the usual military channels.

Penalty on officer for neglect.

SECTION 99. If an officer ordered as in the preceding section refuses or neglects to obey such order or precept, or if any officer or soldier neglects or refuses to obey an order issued in pursuance thereof, he shall be punished as a court-martial may adjudge.

Troops to appear armed and equipped.

SECTION 100. Such troops shall appear at the time and place appointed, armed, equipped, and with ammunition, and shall obey and execute such orders as they may then and there receive according to law.

Officer may be detailed to command, if company is without officers.

SECTION 101. If a company without officers is ordered to march, or detachment is ordered therefrom, the commander of the regiment or battalion shall detail an officer to command, who shall have the same authority to order them to appear, to command them in the field, or to make a draft or detachment therefrom, as the captain of such company would have, and shall be under the same responsibility.

Carriages to be provided to attend with supplies.

SECTION 102. The mayor and aldermen of a city, and the selectmen of a town, to which men so ordered out, detached, or drafted, belong, when required in writing by a commander of a regiment or detachment, shall provide carriages to attend them with further supplies of provisions and to carry necessary baggage, and provide necessary camp equipage and utensils, until notified by the commanding officer to desist; and shall present their accounts for the same to the quartermaster-general. For

any neglect by such mayor and aldermen or selectmen, under this section, such city or town shall forfeit to the use of the Commonwealth, not less than twenty nor more than five hundred dollars.

SECTION 103. Whenever the entire volunteer militia shall have been called out under sections ninety-six and ninety-seven, and a still further force be required, it shall be taken from the enrolled militia, as provided in section nine.

When entire volunteer force has been called out, enrolled militia shall be taken.

SECTION 104. Each regiment, separate battalion, corps of cadets, and unattached company of the volunteer militia, shall parade, for inspection and drill, one day in the months of May or June, at such time and place as the commander-in-chief may designate. The inspections shall be made by the inspector-general, his assistants or such officers as may be detailed at the request of the inspector-general to act as assistants.

Annual parade for inspection and drill in May or June.

No compensation for bands shall be allowed or paid at any of these inspections, nor shall there be any allowance for horses at the inspections of infantry. Each inspecting officer shall report to the inspector-general in duplicate, in regard to numbers, discipline, drill, condition of public property in possession, and any other matters affecting the character and efficiency of the organization; one copy to be retained by him, the other to be forwarded to the commander-in-chief within sixty days from the date of the inspection.

SECTION 105. The volunteer militia shall perform five consecutive days of camp duty in each year; and unless the commander-in-chief prescribes the time, place and manner of assembling the troops for that purpose, each commander of brigade, or corps of cadets, shall annually order an encampment of his command by brigade, regiments or battalions, at some time during the months of July, August, September or October.

Encampment for five days.

SECTION 106. All encampments shall be held upon the state camp ground, unless otherwise directed by the commander-in-chief; and no ground shall be occupied for an encampment in the time of peace without the consent of the selectmen of the town, or mayor and aldermen of the city, where the encampment is to be made, unless by order of the commander-in-chief; such ground to be paid for by the state on contracts to be approved by the adjutant-general.

Encampments to be held at state camp ground unless otherwise directed by commander-in-chief.

SECTION 107. At each encampment the troops shall be reviewed and shall be thoroughly exercised in the routine

Troops to be exercised, inspected and reviewed.

of camp duty, and shall be inspected under direction of the brigade commanders by their respective assistant inspectors-general, who shall, within thirty days after such inspection, make report thereof in duplicate to the brigade commander, who shall retain one copy and forward the duplicate to the adjutant-general to be referred to the inspector-general. Inspections of corps of cadets shall be made under direction of the commander-in-chief by the inspector-general or his assistants, who shall report in duplicate within thirty days thereafter, one copy to be sent to the adjutant-general, the other to be retained by the inspector-general. Inspections in camp shall cover the points indicated in section one hundred and four. In addition to the inspections in brigades as herein provided, all troops when in camp shall be generally inspected by the inspector-general or his assistants, who shall report in duplicate, one copy to be sent to the adjutant-general, and one copy to be retained by the inspector-general.

Judge-advocate to attend encampment, and have the jurisdiction of a municipal court.

SECTION 108. The judge-advocate-general or a judge-advocate may be detailed by the commander-in-chief to attend any encampment, and shall have during the encampment, within the limits of the camp, and for a distance of one mile from the guard line, the jurisdiction of a municipal court over all offenses committed in said time.

Company may be ordered to parade with view to disbandment.

SECTION 109. The commander-in-chief may, whenever in his judgment the interests of the service require, order any company or companies to parade for inspection with a view to disbandment, as provided in sections fourteen and thirty.

Notice for appearance for duty.

SECTION 110. For the duty required at inspections under sections thirty, one hundred and four, and one hundred and nine, and at camp under section one hundred and five, no notice shall be considered as legal unless the same shall have been given to each person verbally, or by delivery to him in person, or leaving at his usual place of business or abode the order for such duty, at least four days previous to the time appointed.

Orders may be delivered by enlisted men.

SECTION 111. Commanders of regiments, battalions, corps of cadets, or companies, may direct such orders to be delivered by one or more of the enlisted men of their command.

Meetings of officers for instruction in tactics and the customs of the service.

SECTION 112. The commander-in-chief may authorize brigade commanders to call meetings of their staff-officers, the field-officers, adjutants, and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, six times in each year,

for instruction in tactics and the customs of the service. Commanders of regiments, battalions, and corps of cadets, may in like manner call similar meetings of the officers of their respective commands, six times each year; but nothing in this act shall be construed as allowing any compensation for attendance at such meetings. When such meetings are authorized, the quartermaster-general shall provide for all officers attending such meetings the necessary transportation, at rates established by law, whenever the distance travelled shall exceed five miles.

SECTION 113. The commander-in-chief may order out any portion of the militia for escort and other duties, and may authorize the use of mounted bands.

Escort duty.

SECTION 114. The commander of any regiment, battalion or corps of cadets, whose companies are located within a radius of three miles, may at any time assemble the companies, or the officers of his command, for evening drill, instruction, or other business; and commanders of brigades, regiments, battalions, and corps of cadets, may order company inspections, in the evening, at the several company armories, whenever the good of the service may demand.

Companies or officers may be assembled for evening drill or instruction.

SECTION 115. Every company shall drill at least twice in each month. Battalion drills may count in the place of company drills.

Company and battalion drills.

SECTION 116. No parade or voluntary service shall be performed by any company, under arms or with state uniform, without the approval of the regimental or separate battalion commander, or, if unattached, of its next superior.

No voluntary parade without permission.

SECTION 117. Every commanding officer, when on duty, may ascertain and fix necessary bounds and limits to his parade or encampment (not including a road so as to prevent passing), within which no spectator shall enter without leave from such commanding officer. Whoever intrudes within the limits of the parade or encampment, after being forbidden, may be confined under guard during the time of parade or encampment, or a shorter time, at the discretion of the commanding officer; and whoever resists a sentry who attempts to put him or keep him out of such limits may be arrested by order of the commanding officer, and carried before the judge-advocate-general or a judge-advocate on duty at the encampment, as provided in section one hundred and eight, or other court of justice having jurisdiction of the place, to be examined or tried upon complaint of the commanding officer for such assault or disturbance or breach of the peace.

Bounds of parade may be fixed by commanding officer.

Punishment for intrusion.

SECTION 118. If any person shall interrupt, molest, or

Penalty for molesting troops while on duty.

insult, by abusive words or behavior, or shall obstruct any officer or soldier while on any duty or at any parade, drill, or meeting for military improvement, he may be put immediately under guard, and kept, at the discretion of the commanding officer of the brigade, regiment, battalion, corps, company or detachment, as the case may be, until the duty, drill, parade or meeting, be concluded: and such commanding officer may turn over such person to any police officer or constable of the city or town wherein such duty, parade, drill or meeting is held: and said police officer or constable is required to detain him in custody for examination or trial before a court of justice having jurisdiction of the place.

Troops to have right of way in the streets.

SECTION 119. United States forces or troops, or any portion of the militia parading or performing any duty, according to law, shall have the right of way in any street or highway through which they may pass, provided the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire-engines and fire-departments shall not be interfered with thereby.

Soldier may be put under guard for military offense.

SECTION 120. Any soldier guilty of a military offense may be put and kept under guard by the commander of the company, corps, battalion or regiment, or of the field, for a time not extending beyond the term of service for which he is then ordered.

Personal service necessary to be entitled to compensation.

SECTION 121. No officer or soldier in the volunteer militia shall receive the compensation provided in this chapter, unless he personally performs the duties required by law; and no substitute shall be allowed compensation for service belonging to another to perform; nor shall excuses granted for absence from or non-performance of military duty entitle the person excused to receive such compensation.

Parades not to be held on election day, except in case of riot.

SECTION 122. No officer or soldier shall be holden to perform military duty except in case of invasion, insurrection, riot, or tumult, made or threatened, or in obedience to the orders of the commander-in-chief, on a day appointed, in the city or town in which he resides, for the election of governor, lieutenant-governor, electors of president and vice-president of the United States, or representatives to congress or to the general court; and an officer parading his command, or ordering it to parade, contrary to the provisions of this section, shall be liable to trial by court-martial.

SECTION 123. It shall not be lawful for any body of

men whatsoever, other than the regularly organized corps of the militia, the troops of the United States, the ancient and honorable artillery company, the veteran artillery association of Newburyport, the veteran cadet association of Salem, the veteran association of the independent corps of cadets of Boston, and the Salem light infantry veteran association, the veteran artillery association of Amesbury and Salisbury, to associate themselves together as a military company or organization, or to parade in public with arms in any city or town of this Commonwealth, without the license of the governor thereof, which may at any time be revoked; nor shall it be lawful for any city or town to raise or appropriate any money toward arming, equipping, uniforming, or in any way supporting, sustaining, or providing drill-rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States, may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for the purpose of escort duty at the burial of deceased soldiers, having first obtained the written permission so to do of the mayor and aldermen or selectmen of the cities or towns in which they desire to parade: and *provided, further*, that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with arms in public, under the superintendence of their teachers, and *provided, further*, that this section shall not be construed to prevent any organization heretofore authorized thereto by law from parading with side arms.

Certain associations in addition to the militia may parade in public with arms.

Associations composed of soldiers.

Students in educational institutions.

SECTION 124. Whoever offends against the provisions of the preceding section, or belongs to, or parades with, any such unauthorized body of men with arms, shall be punished by a fine not exceeding the sum of ten dollars, or by imprisonment in the house of correction or common jail for a term not exceeding six months, or both.

Penalty for parading contrary to law.

ARTICLE XIV.

Of Excuses for Non-Performance of Duty.

SECTION 125. No officer or soldier of the volunteer militia not on leave of absence or furlough shall be excused from duty in time of insurrection, invasion, or disturbance of the peace, as provided in sections ninety-six

Excuse from duty on physician's certificate of disability.

and ninety-seven, except upon physician's certificate of disability, such certificate to be presented to the commander-in-chief in case of an officer, or to his regimental battalion or corps commander in case of a soldier, within twenty days after such absence. If such officer or soldier fail to furnish such excuse within such time, he shall be tried by court-martial for desertion or absence without leave, as the case may be; and no such excuse shall avail such officer or soldier after the expiration of such time, unless the delinquent satisfies the tribunal before which he is tried that it was not in his power to make such excuse within the time.

Excuse for absence from camp duty, drills and inspection.

For absence from camp duty, inspection in May or June, and from drills, excuses may be presented to commanding officers of regiments, battalions, or corps of cadets, and by them allowed upon good and sufficient grounds, or according to the rules adopted therefor in their respective organizations under approval, as prescribed in section one hundred and forty-five; but no excuse shall be allowed unless made within twenty days as above prescribed; and delinquents who do not submit to fines shall be tried as herein prescribed.

Certificates of disability and excuses of soldiers of unattached companies shall in like manner be presented to their brigade commanders, and may be by them allowed.

ARTICLE XV.

Of Pay and Allowances.

Compensation of officers and soldiers.

SECTION 126. There shall be allowed and paid to officers and soldiers of the volunteer militia, on rolls and accounts, in such form as the commander-in-chief may prescribe, as follows, to wit:—

Inspection in May or June.

For the duty prescribed in section one hundred and four, to each officer and soldier, except inspecting officers as hereinafter provided, the sum of two dollars; and there shall be allowed for each horse actually employed by the inspecting officers at inspections of artillery and cavalry, by the officers and soldiers of artillery and cavalry authorized by law to be mounted, and for each draft horse employed in the artillery, the sum of four dollars, which shall be in full for all keeping and forage; but no bands shall be paid for such duty.

Encampment for five days.

For each day's duty in camp, as prescribed in section one hundred and five, to each general, field, and staff of-

ficer, the sum of four dollars; to every other commissioned officer, the sum of two dollars and fifty cents; to every non-commissioned staff officer, the sum of two dollars; to every member of a band, the sum of four dollars; and to every other enlisted man, the sum of two dollars. And there shall be allowed for each horse actually employed by officers and soldiers authorized by law to be mounted, and for each draft horse employed in the artillery, the sum of four dollars per day, which shall be in full for all keeping and forage.

For each day's duty under sections ninety-six and ninety-seven, or under orders of the commander-in-chief, unless otherwise specially provided, or as a witness or defendant under summons, as provided in section one hundred and thirty-nine, or as inspecting officer at the inspection provided in section one hundred and four, the same as herein before provided for camp duty.

Invasion, insurrection or riot.
Escort duty.

To each assistant adjutant-general of brigade, and to each adjutant, there shall be allowed and paid the sum of twenty dollars per annum; and to each regimental, battalion, or corps paymaster, the sum of twelve and one-half dollars per annum for each company in the command to which he is attached.

Assistant adjutant-general and adjutant.

There shall be allowed and paid to each officer detailed by competent authority to perform the duties of another the pay and allowances of the grade or office so filled: *provided*, that no officer shall be paid for duty under two offices at the same time, nor two officers for the same duty.

Officer detailed to perform duty of another.

SECTION 127. There shall be allowed and paid to each officer and soldier obliged to travel on duty, as follows, to wit:—

When upon duty required or performed under sections thirteen, ninety-six, ninety-seven, one hundred and four, one hundred and five, one hundred and nine, and one hundred and thirteen, the sum of two cents per mile each way, the distance to be computed by the line of most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated.

Allowance for travel.

When upon duty as a member or judge-advocate of any military court or board, or as a witness or defendant before such court or board; when appearing before the board of examiners provided in section fifty-two; when attending meetings of officers as provided in section one hundred and twelve; as the presiding officer at an election, or as an elector at the election of a general or field-officer; or as a

paymaster; or in any case when obliged, by orders of the commander-in-chief, to travel without troops, — the sum of four cents per mile each way, the distance to be computed by the line of most direct railroad communication from the residence of the officer or soldier.

Allowance for transportation of horses.

SECTION 128. Mounted officers and enlisted men, when ordered by the commander-in-chief to transport their horses, shall be allowed the actual cost of such transportation from the nearest point of departure from the place where the several headquarters or the armories of the companies to which they belong are situated.

No allowance for transportation not actually employed.

SECTION 129. No allowance shall at any time be made for transportation not actually employed, nor to officers or enlisted men when transported by means of horses provided by the state.

Transportation, forage and subsistence.

SECTION 130. Forage and subsistence shall be furnished in kind by the quartermaster and commissary-general when troops are on duty under sections ninety-six and ninety-seven; and, when practicable, transportation in kind shall be furnished by the quartermaster-general in lieu of the money allowances herein before provided.

Allowance for incidental expenses at headquarters.

SECTION 131. There shall be allowed annually for postage, stationery, and office incidentals, to each brigade headquarters, the sum of five dollars for each regiment, battalion, and unattached company in such brigade; to each regimental and separate battalion headquarters, the sum of five dollars for each company in such regiment or battalion; to each corps of cadets, the sum of twenty-five dollars; and to each company, the sum of ten dollars.

Fee for appearing before courts of inquiry or courts-martial.

SECTION 132. There shall be allowed and paid to each person not in the military service of the Commonwealth, appearing before courts of inquiry or courts-martial under summons of the president or judge-advocate thereof, the sum of one dollar and fifty cents for each day's attendance, and the further sum of four cents for each mile necessarily travelled in obedience to such summons.

ARTICLE XVI.

Of Courts of Inquiry and Courts-Martial.

Courts of inquiry for investigating conduct of officers.

SECTION 133. Courts of inquiry may be instituted by the commander-in-chief for the purpose of investigating the conduct of any officer, either by his own solicitation, or on a complaint or charge of improper conduct degrading to the character of an officer; but no such court shall con-

sist of more than three officers, who may, with the approval of the commander-in-chief, require a judge-advocate to attend such court in taking testimony, and investigating any complaint that may come before it.

SECTION 134. Such court of inquiry shall, without delay, report the evidence adduced, a statement of facts, and an opinion thereon, when required, to the commander-in-chief, who may in his discretion thereupon order a court-martial for the trial of the officer whose conduct has been inquired into, or may discharge such officer, as provided in section sixty-two.

To report evidence, &c., when required, to commander-in-chief.

SECTION 135. General courts-martial for the trial of commissioned officers shall be ordered by the commander-in-chief at such times as the interests of the service may require, and shall consist of not less than three nor more than seven officers, none of whom shall be of less rank than the accused.

General courts-martial for trial of commissioned officers.

SECTION 136. For the trial of non-commissioned officers, musicians, and privates, the commanding officer of each brigade shall, at such times as may be necessary, appoint a battalion or regimental court-martial for any regiment, battalion, or unattached company in his brigade: in like manner, the commander-in-chief shall make orders for the corps of cadets. Such court shall consist of one officer of the line whose rank is not below that of major. Such court, unless otherwise directed by the commander-in-chief, shall be held at the armory of the company, or, in case of a non-commissioned staff officer, at the headquarters of the battalion, corps of cadets, regiment, or brigade, to which the accused belongs, and shall have power, subject to the approval of the officer ordering the court, to sentence to be reprimanded in company, corps, battalion, or regimental orders, or, in case of a company non-commissioned officer, to be reduced to the ranks; and such court may, with the approval of the commander-in-chief, sentence to be reprimanded in brigade orders, or in orders from general headquarters, to be dishonorably discharged, or to be discharged and disqualified from holding office in the militia of the Commonwealth.

Regimental courts-martial for trial of non-commissioned officers and privates.

SECTION 137. In all general, regimental or battalion courts-martial, the arraignment of the accused, the proceedings, trial and record, shall in all respects conform to the regulations established for the government of the militia of the Commonwealth; and the sentences of such courts shall be in accordance with the nature and degree of the offense, and according to established military usage, but

Proceedings to conform to the regulations established for government of the militia.

shall not extend further, in time of peace, than dismissing or discharging the officer or soldier, and disqualifying him from holding any office in the militia of this Commonwealth.

Proceedings and sentence to be forwarded to officer competent to review the same.

SECTION 138. The proceedings and sentence of every court-martial shall without delay be forwarded to the officer competent to review the same, who shall approve or disapprove of such proceedings and sentence within fifteen days thereafter; but nothing in this section shall be construed to limit the power of the reviewing officer to mitigate or commute the sentence of such court. A roll of the officers of the court and of the accused or charged persons and witnesses appearing before it, with the residence and number of days' attendance of each, shall constitute a part of the record of every court of inquiry or court-martial.

President and judge-advocate may summon witnesses and administer oaths.

SECTION 139. The president of every court-martial or court of inquiry, and also the judge-advocate, shall have power to administer the usual oath to witnesses, and may issue summonses for the accused and all witnesses whose attendance at such court may in his opinion be necessary in behalf of the Commonwealth, and also on application, for all witnesses in behalf of the accused or charged officer or soldier; and he may direct the commanding officer of any company to cause such summonses to be served on any person who may be a member of his company, or may direct the commanding officer of any brigade, regiment, separate battalion, or corps of cadets, to serve such summonses on any person who may be a commissioned or non-commissioned officer of his staff.

Penalty for failing to serve summons, or on witness failing to appear.

SECTION 140. Any officer or soldier failing to serve such summons, and any witness failing to appear when so summoned, and not having a sufficient or reasonable excuse, shall be liable to trial by court-martial as for disobedience of orders.

Offenses for which commissioned officer may be tried by court-martial.

SECTION 141. Every commissioned officer may be tried by court-martial for the following offenses: —

For unmilitary or unofficer-like conduct;

For drunkenness on duty;

For neglect of duty;

For disobedience of orders, or an act contrary to the provisions of this chapter, or to the provisions of the regulations for the government of the militia;

For oppression or injury of any under his command;

For a combination or attempt to break, resist or evade, the laws or lawful orders given to a person, or advising any person so to do;

For insult to a superior officer in the line of military duty;

For presuming to exercise his command while under arrest or suspension;

For neglect or refusal, when commanding officer, to order out the troops under his command when required by law or ordered by his superior officer;

For neglect or refusal to make a draft or detachment when legally ordered to do so;

For parading the troops under his command on days of election, contrary to law;

For receiving any fee or gratuity, as a medical officer, for a certificate of inability to do military duty;

For neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty as provided by law, or for any other neglect for which a commanding officer of the company would be liable;

For neglect or refusal to march, to make a draft, or for disobedience to an order, in case of rebellion or insurrection, as provided by law;

For refusal or neglect to obey a precept or order to call out the militia, or an order issued in obedience thereto, or for advising any officer or soldier to do the like;

For making a false certificate, account, or muster;

Or for conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline.

SECTION 142. Any enlisted man may be tried by court-martial, —

For disobedience of orders or an act contrary to the provisions of this chapter, or to the provisions of the regulations for the government of the militia, or to the by-laws of the organization to which he belongs;

For disrespect to his superiors;

For mutiny or desertion;

For neglect of duty;

Or for drunkenness on duty.

SECTION 143. No officer or soldier shall be tried by court-martial for any offense which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself from the state, or some other impediment, shall not have been amenable to justice within that period.

SECTION 144. Whenever any portion of the military forces of the Commonwealth shall be ordered by the commander-in-chief to assemble for the purpose of suppressing

Offenses for which enlisted man may be tried.

Not to be tried for an offense committed more than two years before issuance of order for trial.

When in service for suppressing riot, &c., to be governed by the articles of war.

any riot, insurrection, invasion, or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force, and regarded as part of this act, during the continuance of such service; but no punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted, except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the approval of the commander-in-chief of the sentence inflicting such punishment.

ARTICLE XVII.

Of Regimental, Battalion, and Company By-Laws.

Constitutional articles of agreement may be adopted, subject to the approval of the commander-in-chief.

Provisos.

SECTION 145. Companies, corps of cadets, separate battalions, or regiments, may adopt constitutional articles of agreement or by-laws, subject to the approval of the commander-in-chief, for the government of matters relating to the interior economy of their respective organizations, the regulation of fines for non-performance of duty, and the determination of causes upon which excuses from fines may be based: *provided, however*, that such articles or rules shall not be repugnant to law or the regulations for the government of the militia; and *provided*, that the articles or rules adopted by any company attached to a regiment or battalion shall not be repugnant to the articles or rules adopted for the general government of such regiment or battalion. Certified copies of such articles or rules, with like copies of all alterations as finally approved by the commander-in-chief, shall be deposited in the office of the adjutant-general.

Fines established under articles of agreement or by-laws.

SECTION 146. When regiments, battalions, corps of cadets, or companies, establish in their constitutional articles of agreement or by-laws the amounts which may be collected as fines from officers and soldiers of the volunteer militia for the non-performance of duty, such fines shall not exceed the amounts named as follows:—

For each day's absence from camp, or from inspection in May or June, five dollars.

For each day's absence from special duty when ordered by the commander-in-chief, or from any parade ordered by the commanding officer of a regiment, battalion, corps of cadets, or unattached company, three dollars.

For each absence from company or battalion drill, or meeting of officers or non-commissioned officers ordered for the purpose of instruction, or from an election, one dollar.

ARTICLE XVIII.

General Provisions.

SECTION 147. The commander-in-chief is authorized to make and publish regulations for the government of the militia in accordance with existing laws.

Regulations for government of militia.

SECTION 148. The system of discipline and field-exercise ordered to be observed by the army of the United States, or such other system as may hereafter be directed for the militia by laws of the United States, shall be observed by the militia.

United States system of discipline, etc., to be observed by the militia.

SECTION 149. No officer or soldier shall be liable to jury duty while in the active militia service; and any officer or soldier who shall have served continuously and faithfully for nine years in the volunteer militia shall be exempt for life thereafter from the performance of jury duty.

Exemption from jury duty.

SECTION 150. No officer or soldier shall be arrested on civil process while going to, remaining at, or returning from a place where he is ordered to attend for election of officers or military duty.

Not to be arrested on civil process while on duty.

SECTION 151. If an officer or soldier is wounded or otherwise disabled, or is killed, or dies of wounds received while doing military duty, according to law, in case of invasion, insurrection, or disturbance of the peace, he, his widow or children, shall receive from the general court just and reasonable relief.

Relief for injuries received in service.

SECTION 152. All military accounts, unless it is otherwise specially provided by law, shall annually, on or before the fifth day of January, be transmitted to the adjutant-general, and examined, and, if found correct, certified by him. They shall then, unless it is otherwise specially provided by law, be presented to the state auditor for allowance, and, upon such allowance certified by him to the governor, shall be paid to the persons to whom they are personally due, or to their order, at the treasury of the Commonwealth; and no military account shall be certified by the adjutant-general, or allowed by the auditor, unless presented to the adjutant-general for allowance within the time prescribed by law.

Military accounts to be transmitted to adjutant-general on or before the fifth day of January.

Paymasters to take vouchers for payments, and file in the treasury an account of their payments.

SECTION 153. Paymasters shall take proper vouchers in duplicate for the payment of all moneys, and, immediately after the payment of troops, shall file with the treasurer of the Commonwealth an account of their payments, with the duplicates of their vouchers; and such accounts shall be audited by the state auditor, and the several paymasters held to account for any and all discrepancies which may be found to exist.

To give bond with sureties.

SECTION 154. Paymasters shall give bond in the penal sum of ten thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to discharge the duties of their office.

Any officer to whom military property is issued may be required to give bond.

SECTION 155. Any officer to whom any public military property shall at any time be issued may be required to give bond, with two sureties, satisfactory to the governor and council, conditioned faithfully to discharge the duties of his office; to use all necessary care in the safe keeping of military stores and property committed to his custody; to account for the same, and deliver over to his successor, or to any other person authorized to receive the same, all such military property.

Rolls of officers and enlisted men to be made on the first of June and forwarded to the adjutant-general within twenty days.

SECTION 156. Rolls of the volunteer militia, showing the names of all general, field, staff, and non-commissioned staff officers, and the names of all company officers and enlisted men in the service, shall be made on the first of June in each year, and shall be forwarded to the adjutant-general within twenty days thereafter: they shall be prepared for companies by the respective company commanders, and all others by direction of the commanding officers of the several organizations. A sworn copy of such rolls shall be furnished by the commanding officers of companies and such other organizations to the mayor and aldermen of the city or selectmen of the town in which such companies or organizations are located, for the purposes set forth in section one hundred and forty-nine of this act. The clerk of the ancient and honorable artillery company shall furnish annually, as provided herein, the mayor and aldermen of the city of Boston with sworn rolls of all active members belonging to the company.

Administration of oaths by officers.

SECTION 157. General and field officers, paymasters, the judge advocate-general, and all judge-advocates, shall have power to administer the oaths required in this chapter, except as provided in section fifty-two, and such oaths as may be required by the regulations for the government of the militia.

SECTION 158. Mustering officers of corps of cadets,

holding the rank of captain at the date of the passage of this act, shall not by virtue of its provisions be reduced in rank.

Mustering officers of cadets.

SECTION 159. Nothing contained in this act shall be construed as affecting the right of the ancient and honorable artillery company to maintain its organization as a military company according to ancient usage, and agreeably to the provisions of its constitution and by-laws, provided the same are not repugnant to the laws of this Commonwealth, or do not restrain the lawful parades or exercise of the militia active.

Rights of the ancient and honorable artillery company not affected.

SECTION 160. In this chapter the word "soldier" shall include musicians and all persons in the volunteer or enrolled militia except commissioned officers, and the word "company" shall include battery.

Construction of the word "soldier."

SECTION 161. Civil officers named in this chapter, neglecting or refusing to obey its provisions, shall, except as otherwise specially provided, forfeit not less than twenty nor more than five hundred dollars.

Penalty on civil officers for neglect.

SECTION 162. An officer of the volunteer militia shall, on vacating an office, turn over to his immediate successor, or other officer designated by the commander-in-chief, all records, reports, and military property in his possession belonging or pertaining in any way to such office.

Officer to turn over property and records to immediate successor.

SECTION 163. No organization of the militia shall be liable to be ordered without the limits of the state, and no military organization shall leave the state, for any period or purpose whatever, with public military property in its possession, or to be used by it, without the consent of the commander-in-chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander-in-chief, and its officers and members be liable to trial by court-martial for disobedience of orders.

Troops not to leave the state, without permission of commander-in-chief.

SECTION 164. The militia, when in the service of the United States, if paid by the Commonwealth, shall receive the same pay and allowances as the regular troops of the United States; and the rations, when commuted, shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from such service, they shall be allowed pay and rations to their respective homes.

Militia in service to receive same pay as United States regular troops.

SECTION 165. Chapter three hundred and one of the acts of eighteen hundred and sixty-four; three hundred and twenty of the acts of eighteen hundred and seventy-four; two hundred and twenty-nine of the acts of eighteen hundred and seventy-five; two hundred and four of the

Repeal.

acts of eighteen hundred and seventy-six; one hundred and seventeen, one hundred and eighteen, and one hundred and seventy-one, of the acts of eighteen hundred and seventy-seven; and all other acts, and parts of acts, inconsistent with the provisions of this act, are repealed, except as provided in section one hundred and sixty-six; but this section shall not be construed as reviving or in any manner restoring any former acts, or parts of acts, that were repealed by either of the chapters herein before named.

Reorganization
and consolidation.

SECTION 166. Until reorganized and consolidated as prescribed in this act, each organization of the militia shall remain as hitherto provided by law, except as provided in section twenty.

SECTION 167. This act shall take effect upon its passage.

Approved May 16, 1878.

Chap. 266

AN ACT IN RELATION TO THE COLLECTION OF TAXES.

Be it enacted, &c., as follows:

Deed of real estate sold for non-payment of taxes.

SECTION 1. Section six of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-two is hereby amended by adding thereto the following words: "*provided*, the said purchaser shall, within two years from the date of said deed, in writing, offer to surrender and discharge the same, or to assign and transfer to the town or city all his right, title and interest therein, as the collector thereof shall elect."

Proceedings when collector has reason to believe that title is invalid, &c.

SECTION 2. Whenever the collector of taxes in any city or town has reasonable cause to believe that the title created by any deed given in consequence of a sale for non-payment of taxes, or of any assessment, a lien for which is enforceable by sale of real estate, is invalid by reason of any error, omission or informality in any of the proceedings of assessment or sale, he may, within two years from the date of said deed, or in the case of existing deeds within two years from the passage of this act, give notice to the person who appears by the records in the registry of deeds of the county or district wherein the city or town lies, to be the holder of such title, requiring him within thirty days to surrender and discharge the deed so given, and to receive from the city or town the sum due therefor, with interest, as provided by law, or to file with the collector a written statement that he refuses to make such surrender or discharge; and such statement shall be deemed an absolute release of the city or town from any liability whatever upon the warranty contained in said deed.

SECTION 3. The notice required by the preceding section shall be served in the manner prescribed by law for the service of summonses for witnesses in civil cases; but in case the holder has no place of abode in, or cannot be found in, the city or town, it shall be served by mail, or by publication one week in some newspaper published in the county wherein the city or town lies; or, if there be none such, in some newspaper published in an adjacent county. If the holder fails to comply with such notice the collector shall, upon the expiration of thirty days from the service thereof, cause a copy of the notice, with an affidavit by himself or a disinterested person, of the service thereof, taken before a justice of the peace, to be filed and recorded in the registry of deeds of the county or district wherein the city or town lies. A note of reference to the record of said copy shall be made on the margin of the record of the collector's deed therein referred to; and from the time of such record the interest payable by law in respect of such deed shall cease, and said copy when so recorded shall have the effect to release and discharge all right and title acquired under such deed. The collector shall notify the treasurer of the city or town, who shall appropriate out of any funds in his hands the amount due in respect of said deed for the use and benefit of the persons entitled thereto, and shall pay it over on reasonable demand.

Service of notice.

SECTION 4. If the invalidity of any deed so recalled by the collector arose by reason of any error, omission or informality in any of the proceedings of assessment, the collector, after obtaining a surrender and discharge of the deed from the holder, or causing a copy of the notice to be filed and recorded as provided in the preceding section, shall forthwith notify the board by whom the tax or assessment was laid, who shall immediately re-assess the same as provided by section fifty-three of chapter eleven of the General Statutes. If such invalidity, however, arose by reason of any error, omission or informality in any of the proceedings of the collector, he shall, after obtaining a surrender and discharge of the deed, or causing a copy of the notice to be filed and recorded as aforesaid, forthwith collect the unpaid tax or assessment referred to in such deed by proceedings in conformity to law.

If invalidity is caused by error in assessment, tax must be re-assessed.

SECTION 5. In addition to the power now given by law to enforce the lien for a tax or assessment laid on real estate, with all incidental costs and expenses by sale thereof, the collector shall have power to take for the city or

Collector may take the whole of real estate, if tax is not paid within fourteen days after de-

mand, under
G. S. 12, §§ 22,
24, 25.

To give three
weeks' notice of
intention to ex-
ercise power of
taking estate.

town the whole of the real estate taxed or assessed, if the tax or assessment is not paid within fourteen days after a demand of payment made as required by sections twenty-two, twenty-four or twenty-five of chapter twelve of the General Statutes, and still remains unpaid at the date of such taking. The collector shall give three weeks' notice of his intention to exercise such power of taking; which notice may be served either in the manner prescribed by law for the service of summonses for witnesses in civil cases, or by advertisement thereof in the manner required by section twenty-eight of chapter twelve of the General Statutes, and shall contain the particulars required by section twenty-nine of said chapter twelve. He may also post a similar notice in accordance with the provisions of section thirty of said chapter twelve. The affidavit of the collector, or of a disinterested person, taken before a justice of the peace, of the service of the demand of payment, and of the notice herein provided, made upon a copy thereof, and filed and recorded in the registry of deeds of the county or district where the land lies, shall be competent evidence of such demand or notice. But the demand of payment may be made, and the evidence thereof perpetuated, in the manner provided by section twenty-seven of said chapter twelve. Said affidavits shall be annexed to the instrument of taking, which shall be under the hand and seal of the collector, and shall contain a statement of the cause of taking, a substantially accurate description of each parcel of land taken, the name of the person to whom the same was assessed, and the amount of the tax thereon, and of incidental costs and expenses to the date of taking. Said instrument shall be filed and recorded in the registry of deeds of the county or district where the land lies; and the title to the lands so taken shall thereupon vest in the city or town, subject to the right of redemption given by section thirty-six of chapter twelve of the General Statutes as amended by this act.

Method of en-
forcing lien may
be determined
by cities and
towns.

SECTION 6. Every city by ordinance, and every town by by-law, may determine and direct which power its collector shall exercise to enforce the lien for a tax or assessment laid on real estate,—that of sale under section twenty-two of chapter twelve of the General Statutes, or that of taking under section five of this act; and in the absence of any such ordinance or by-law the collector may exercise either power at his discretion.

If tax-title is in-
valid, collector

SECTION 7. Whenever the collector has reasonable cause to believe that a tax-title, held by a city or town

under a sale or taking for non-payment of a tax or assessment, is invalid by reason of any error, omission or informality in any of the proceedings of assessment, sale or taking, he may release, disclaim and annul such title by an instrument under his hand and seal, duly filed and recorded in the registry of deeds of the county or district where the land lies. If the invalidity of such title arose by reason of any error, omission or informality in any of the proceedings of assessment, he shall forthwith notify the board by whom the tax or assessment was laid, who shall immediately re-assess the same, as provided by section fifty-three of chapter eleven of the General Statutes.

may annul and release the same.

Re-assessment in case of error.

SECTION 8. The treasurer or other disbursing officer of any city or town may, and if so requested by the collector of that place shall, withhold payment of any moneys that may be made payable from the treasury of that place to any person whose taxes, assessed in that place, are then due and wholly or partly unpaid: *provided*, that no greater sum shall be thus withheld than is necessary to pay the amount of tax then due as aforesaid, with interest and costs. The sum withheld shall be payable to the collector, who shall, if required, give a written receipt therefor. The person taxed may, in such case, have the same remedy as if he had paid such tax after a levy upon his goods. The collector's right as established by this section shall be valid against any trustee process not commenced, or any assignment not recorded, prior to the passage of this act.

Payment of money may be withheld from person owing taxes.

SECTION 9. No person entitled under the provisions of section thirty-six of chapter twelve of the General Statutes to redeem real estate sold for non-payment of a tax or assessment, shall have a right to redeem land held by a city or town under a sale or taking for non-payment of a tax or assessment, unless he pays or tenders to the collector thereof all sums due the city or town in respect of said land by reason of all such sales or takings thereof, and of all subsequent taxes or assessments thereon due and unpaid, with all interest and incidental costs and expenses.

Redemption of real estate sold for non-payment of tax or assessment.

SECTION 10. If no person, lawfully entitled within the time prescribed by law, redeems the property purchased for and held by a city or town under the provisions of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-two, or taken for it under the provisions of this act, the city or town shall forthwith proceed to sell the real estate at public

If property is not redeemed, real estate may be sold at public auction.

auction, after having given the same notice as is required in section twenty-eight of chapter twelve of the General Statutes, executing and delivering to the highest bidder therefor a quit-claim deed: and from the money arising from said sale shall be deducted the expenses of making the sale, together with the amount named in the collector's deed or instrument of taking, as the sum due when the same was executed, and all interest and charges thereon fixed by existing law, and also all subsequent taxes and assessments, with all interest and charges due in respect thereof; the balance, if any, shall be deposited in the city or town treasury, subject to the provisions of section seven of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-two.

Whenever conveyance affecting title is recorded, register to note reference thereto on margin of deed of taking.

SECTION 11. Whenever there is recorded in a registry of deeds a conveyance affecting, by way of assignment, release, partial release, discharge or disclaimer, a title created by any deed or instrument of taking, executed in consequence of a sale or taking for non-payment of a tax or assessment, the register of deeds shall make a note of reference to the record of such conveyance on the margin of the record of the deed or instrument of taking therein referred to.

Amendment to act concerning taxes, etc., in Boston, approved March 12, 1898.

SECTION 12. The second section of "An Act regulating the collection of taxes in the town of Boston, and providing for the appointment of constables in said town," approved March twelfth, one thousand eight hundred and eight, is hereby amended by striking out the words "and, for collecting the sum of money due on said warrant, receive the fees that are allowed by law for levying executions in personal actions."

Amendments to 1862, 183, § 10.

SECTION 13. Section ten of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-two is hereby amended by striking out the words "each notice", in the ninth line of said section, as printed in the second edition of volume one of the Supplement to the General Statutes, and inserting in place thereof the words "such service"; by striking out the words "for poundage, four per cent. on the first one hundred dollars, two per cent. on the second hundred dollars, and one per cent. on the balance of the tax," in the fifteenth, sixteenth and seventeenth lines of said section; and by inserting after the word "sale," in the nineteenth line of said section, the words "or taking." Whenever the collector exercises the power of taking given by section five of this act, there shall be allowed to him, and

added to the amount of the tax, the same charges and fees as are fixed for similar proceedings by section ten of chapter one hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-two as hereby amended: and when service of the demand of payment, and notice of intention to take, is made in the manner prescribed by law for the service of summonses for witnesses in civil cases, there shall be allowed therefor, and added as above mentioned, fifty cents, together with the fees for travel fixed by section one of chapter one hundred and one of the acts of the year one thousand eight hundred and sixty-five.

SECTION 14. Section thirty-six of chapter twelve of the General Statutes is hereby amended by striking out in the third, fourth and fifth lines, these words, viz., "to the purchaser, or his heirs and assigns, the sum paid by him, with ten per cent. interest and all necessary intervening charges," and inserting instead thereof these words; viz., "to the collector the amount of the tax for which said property was taken, with the charges and fees provided in section eleven of this act, and all intervening taxes, or to the purchaser, his heirs or assigns, the original sum and intervening taxes paid by him, and in each case with ten per cent. interest, and the cost of recording the tax deed or evidence of taking, and the sum of five dollars for examination of title." Section forty of said chapter is hereby amended by striking out in the seventh and eighth lines these words, viz., "of the sum paid by him, with ten per cent. interest and all necessary intervening charges," and inserting instead thereof the same words above specified to be inserted in section thirty-six. Sections thirty-six, thirty-nine, forty and forty-two of said chapter twelve are also hereby amended by inserting before the word "sale," wherever it occurs in said sections, except in the fifth line of said section forty, the words "taking or;" by inserting before the word "sold," in the first, third and eighth lines of said section thirty-six, the words "taken or;" and by inserting before the word "purchaser," in the sixth line of said section forty, the words "collector or the;" and by inserting before the word "such," in the eighth line of said section forty, the words "the city or town or." Section twenty-two of chapter twelve of the General Statutes is hereby amended by striking out in the last line of said section the words "in the mean time," and inserting instead thereof the words "prior to the giving of the notice of such sale."

Amendments to
G. S. 12, §§ 22,
36, 39, 40, 42.

Real estate held by city or town under 1862, 183, may be re-deemed by owner of an interest therein.

SECTION 15. The owner of any interest in real estate purchased and held by a city or town under the provisions of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-two, having a right to redeem the same, may pay to the treasurer of the town or city all sums required by law for the redemption of such estate; in which case the treasurer shall give to the person so paying a like certificate as that mentioned in section thirty-eight, chapter twelve, of the General Statutes; and the certificate may be recorded in the manner, and with like effect, as that described in said section. If the person so redeeming be the holder of a mortgage, the sums so paid by him shall be added to, and constitute a part of, the principal sum of the mortgage; and the mortgage shall not be redeemed until such sums, and interest thereon, are paid; and, in such case, the recording of said certificate in the registry of deeds in the district or county where the land lies, within thirty days from its date, shall be notice to all persons of the payment of such sums, and the lien upon the estate therefor.

Repeal.

SECTION 16. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 17. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 267

AN ACT MAKING APPROPRIATIONS FOR THE IMPROVEMENT AND MAINTENANCE OF THE TROY AND GREENFIELD RAILROAD AND HOOSAC TUNNEL.

Be it enacted, &c., as follows:

Appropriations for improvement of railroad and tunnel.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel, for the improvement and maintenance of said railroad and tunnel as follows, viz.: —

For engine house at North Adams, twenty thousand dollars.

For coal sheds at North Adams, five hundred dollars.

For land damages in Franklin County, fifteen thousand dollars.

For alterations of freight depot at Greenfield, two thousand dollars.

Proviso.

For sidings on the line of the road, ten thousand dollars: *provided*, that no contracts shall be made or money expended for materials or work under this act until plans and estimates for the work have been approved by the governor and council.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT TO PROVIDE FOR A UNION PASSENGER STATION AT NORTH
ADAMS.

Chap. 268

Be it enacted, &c., as follows:

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel under the direction of the governor and council is hereby authorized and required to establish, locate, construct and keep in repair a union passenger station, suitable for the purposes of this act, in the town of North Adams, on land agreed to be conveyed to the Commonwealth by the Pittsfield and North Adams Railroad Corporation as indicated on a plan signed "Wm. P. Granger, Chief Engineer," dated April eighteen, eighteen hundred and seventy-eight, now on file in the office of the secretary of the Commonwealth.

Union passenger station to be built in North Adams.

SECTION 2. If the Pittsfield and North Adams Railroad Corporation shall neglect or refuse to convey to the Commonwealth for thirty days after the passage of this act the land designated on said plan, the said manager under the direction of the governor and council may take such land for the uses of the Troy and Greenfield Railroad and the purposes of this act under the provisions of law for the taking of land for depot and station purposes by railroad corporations, so far as the same may apply.

Manager may take land, if the Pittsfield and North Adams Railroad neglects to convey the same.

SECTION 3. Said station shall be constructed by contract within two years from the passage of this act, at an expense not exceeding twenty thousand dollars exclusive of the cost of land and the expenses incurred under section five. Said station may be used by the manager and the officers and employees in control and charge of the Troy and Greenfield Railroad and Hoosac Tunnel, and shall be used as a passenger station by the corporation now or hereafter using and operating the Troy and Greenfield Railroad and by the Pittsfield and North Adams Railroad Corporation, the latter corporation yielding and paying a reasonable rent therefor, which if not agreed upon by the parties shall be determined and may be revised from time to time at intervals of not less than three years by the board of railroad commissioners on the application of either party.

Station to be built within two years, at expense of not exceeding \$20,000.

SECTION 4. The said manager shall as soon as practicable after the passage of this act, cause plans and drawings to be prepared of said proposed station, exhibiting its form, dimensions and arrangements, and shall submit said plans and drawings to the Pittsfield and North Adams

Manager to submit plans to Pittsfield and North Adams Railroad Corporation for approval.

Railroad Corporation for its approval of the accommodations to be furnished said railroad. In case said corporation shall disapprove of the accommodations to be furnished to it, or of the arrangement of tracks, the questions relating thereto and all other matters in dispute shall be determined by the board of railroad commissioners, who shall from time to time have power to make and revise all necessary rules and regulations for the use and control of said station upon the application of any party in interest.

Manager to pay to Pittsfield and North Adams Railroad such sums as may be agreed upon, or be determined by railroad commissioners.

SECTION 5. The said manager shall pay to the Pittsfield and North Adams Railroad Corporation such sum as may be agreed upon by the parties, or in case of disagreement as the board of railroad commissioners upon the application of either party shall determine to be just and reasonable, if any, for outlays and expenses necessarily incurred by said Pittsfield and North Adams Railroad Corporation in constructing, relaying and rearranging its road and tracks so as to conform to the requirements of this act.

Conveyance of land to the Pittsfield and North Adams Railroad.

SECTION 6. The governor with the advice and consent of the council is authorized to order the conveyance to the Pittsfield and North Adams Railroad Corporation of such tracts and parcels of land owned by the Commonwealth as may be required to enable said corporation to reach said station with its trains and use the same; and upon such order a deed of quit-claim of such tracts or parcels signed by the treasurer and receiver-general and sealed with the seal of the Commonwealth shall be delivered said corporation in conveyance of the same.

Appropriation for paying for lands and rights of way.

SECTION 7. For the purposes of this act and for the purpose of paying for lands and rights of way heretofore taken from the Pittsfield and North Adams Railroad Corporation, a sum not exceeding fourteen thousand dollars is appropriated in addition to the appropriations heretofore made for said purposes, the same to be taken from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Approved May 17, 1878.

Chap. 269

AN ACT TO AMEND AN ACT PROVIDING FOR AN INCREASE IN THE NUMBER OF ASSISTANT WATCHMEN EMPLOYED AT THE STATE PRISON.

Be it enacted, &c., as follows:

Additional watchmen for the state prison.

SECTION 1. Section one of chapter one hundred and thirty-three of the acts of the year eighteen hundred and seventy-four is hereby amended, so that there may be employed at the state prison six additional watchmen, at a salary not exceeding six hundred dollars per annum each.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH
A REFORMATORY PRISON FOR WOMEN."

Chap. 270

Be it enacted, &c., as follows:

SECTION 1. Section seventeen of chapter three hundred and eighty-five of the acts of the year eighteen hundred and seventy-four is hereby amended by adding at the end thereof the words, "for a term not less than four months."

Commitments to be made for not less than four months.

SECTION 2. Section twenty-one of said chapter is hereby amended by inserting between the words "not" and "more" in the last line thereof the words "less than four months nor," and also by adding at the end thereof the words, "*provided, however,* if it appears to the court that the defendant has been previously convicted of any offence under either of said sections, she may, in the discretion of the court, be sentenced to the house of correction, house of industry, or workhouse as now provided by law."

Amendment to 1874, 385, § 21.

If previously convicted, may be sent to house of correction.

SECTION 3. This act shall take effect upon its passage: *provided*, that it shall have no application to offences already committed.

Not to apply to offences already committed.

Approved May 17, 1878.

AN ACT IN ADDITION TO AN ACT IN RELATION TO THE METRIC
SYSTEM OF WEIGHTS AND MEASURES.

Chap. 271

Be it enacted, &c., as follows:

Chapter forty of the acts of the year eighteen hundred and seventy-seven, being an act entitled "An Act in relation to the Metric System of Weights and Measures," shall be so construed as to authorize the treasurer of the Commonwealth to procure duplicate sets of the meter and kilogram.

Treasurer may procure duplicate sets of the meter and kilogram.

Approved May 17, 1878.

AN ACT REGULATING THE FEES OF OFFICERS IN MAKING ATTACH-
MENTS OF PERSONAL PROPERTY.

Chap. 272

Be it enacted, &c., as follows:

SECTION 1. Whenever personal property is attached on mesne process, or taken on execution, the officer may appoint a keeper thereof, if necessary, and may charge as a part of the costs of service the sum paid to such keeper for custody, together with a reasonable compensation for himself, so long as the keeper is in charge: *provided*, that in no case shall there be allowed for such keeper more than two dollars for each day of twenty-four hours, nor shall the officer be allowed compensation for more than ten

Allowance to keeper and officer when personal property is under attachment.

days, nor more than fifty cents per day, without the consent in writing of the plaintiff and of the defendant owning the property to an increase of pay, whether for the officer or keeper, or without the special order of the court to which the process is returnable upon hearing for good cause shown.

Property or keeper to be removed at request of defendant.

SECTION 2. Any officer who shall place a keeper in charge of personal property attached by him, shall upon the written request of the defendant remove said property or the keeper without unreasonable delay.

Personal property under attachment to remain until defendant has opportunity to give bond.

SECTION 3. Personal property attached may be kept, subject to the provision herein before contained, upon the premises where the same is found, unless the owner or occupant of such premises shall in writing request the officer to remove his keeper therefrom; and when property is attached upon the premises of the defendant, if the defendant shall in writing request the officer to allow the property to remain where attached until he may give bond to dissolve the attachment, the property shall not be removed therefrom until he has had reasonable opportunity to give such bond.

Officer's compensation for travel in service and return of process.

SECTION 4. Whenever the person delivering or forwarding a process to an officer for service requests said officer to return it by mail or express, compensation shall not be allowed for more than twenty miles' travel in the service, unless said officer actually and necessarily travels more than that distance in serving the same, exclusive of travel from the place of service to the place of return; and an officer in such case, who properly directs such process to the place of return and delivers it prepaid at the post office, or to an express company, shall not be liable for damages growing out of its failure to reach its destination.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 273

AN ACT RELATING TO REPLEVIN BONDS.

Be it enacted, &c., as follows:

Action of replevin not to be dismissed on account of defect in bond.

SECTION 1. No action of replevin shall be dismissed on account of any defect in the form or substance of the bond taken therein: *provided*, the court shall be satisfied that such bond was intended in good faith as a compliance with the law requiring a bond to be taken before service of the writ; and *provided*, the plaintiff shall within such time and upon such terms as the court may order, file a new bond such as is required by law to be so taken, the

New bond to be filed, if defective.

same to be approved by the court or in the manner provided by law for the approval of bail bonds.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT TO PREVENT FRAUDS UPON CORPORATIONS.

Chap. 274

Be it enacted, &c., as follows:

SECTION 1. Any officer, agent, clerk or servant of any corporation organized or doing business in this Commonwealth, who shall in any manner wilfully use the name of such corporation, or his own name as such officer, agent, clerk or servant, to obtain money upon the credit of such corporation for his own use or benefit, without authority from such corporation; or who shall fraudulently loan, invest or appropriate the money, or dispose of the property of such corporation, or convert the same to his own use, shall be punished for each offence by imprisonment in the state prison not exceeding ten years.

Penalty on officer or servant of corporation for converting its money to his own use, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT RELATIVE TO THE TAXATION OF THE PROPERTY OF CERTAIN MANUFACTURING COMPANIES, COPARTNERSHIPS AND ASSOCIATIONS.

Chap. 275

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and eighty-three of the acts of the year one thousand eight hundred and sixty-five, and the acts in amendment thereof, are hereby extended to apply, so far as applicable, to companies, copartnerships and other associations having a location or place of business within this Commonwealth, in which the beneficial interest is held in shares which are assignable without consent of the other associates specifically authorizing such transfer. And the tax provided for in said chapter two hundred and eighty-three shall be paid by such company, copartnership or association upon the aggregate value of the shares of said capital stock, in the manner provided in said chapter for taxes upon corporations.

Taxation of companies, copartnerships and associations.

SECTION 2. The return required by section three of said chapter two hundred and eighty-three, when made by said company, copartnership or association, shall be made by the treasurer, agent, trustee, superintendent or business manager of the same.

Returns to be made by company.

SECTION 3. Every company, copartnership or association to be taxed by this act shall when required submit its books to the inspection of the tax commissioner and tax

Books to be subject to inspection of tax commissioner and tax assessors.

assessors of the city or town in which the same is located; and its treasurer, agent, trustee, superintendent and business manager shall be subject to examination on oath in regard to all matters affecting the taxation of the same.

Provisions of 1894, 201, to apply.

SECTION 4. The provisions of chapter two hundred and one of the acts of the year one thousand eight hundred and sixty-four, so far as the same may be applicable, shall apply to every company, copartnership and association embraced in section one of this act.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 276 AN ACT IN RELATION TO THE PENAL AND REFORMATORY INSTITUTIONS OF THE COMMONWEALTH.

Be it enacted, &c., as follows:

Letter-box to be kept where prisoners may place letters addressed to the principal, &c.

SECTION 1. There shall be placed in each of the penal and reformatory institutions in this Commonwealth a lock letter box accessible to the inmates thereof, the key of which shall be kept by the principal officer in charge of each of said institutions, and every inmate shall have the right to deposit therein any communication in writing addressed to such principal officer or to any member of the board of directors or trustees, and such communication shall be duly delivered according to the address thereon.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 277 AN ACT RELATIVE TO THE ESTABLISHMENT OF A PASSENGER STATION IN GREENFIELD AND REIMBURSEMENTS FOR LAND DAMAGES IN THAT TOWN.

Be it enacted, &c., as follows:

Amounts due from Greenfield for reimbursements for land damages, to be determined by agreement or arbitration.

SECTION 1. The governor and council are authorized to determine by arbitration, agreement or otherwise, the amounts due or which may become due from the inhabitants of Greenfield for reimbursements for land damages, whether liquidated or not, under chapter one hundred and forty of the acts of eighteen hundred and seventy-six, and the contracts relative to such reimbursements, and to collect and receive the same or any part thereof, and apply the same to the purposes of this act; and the same are hereby appropriated for the purpose, the surplus if any to be paid into the treasury of the Commonwealth.

Site of passenger station to be determined by governor and council.

SECTION 2. When a sufficient sum shall have been received under the provisions of section one for the purposes of constructing a passenger station as hereinafter

provided, it shall be the duty of the governor and council as soon as may be, after such hearing of parties interested as they may deem proper, to determine and declare by an order in council the site of a passenger station in Greenfield, having due regard to the interests of the corporations to use the same, and of the public.

SECTION 3. From such reimbursements, when sufficient are received, the manager of the Troy and Greenfield Railroad and Hoosac Tunnel, under the direction of the governor and council, shall without delay construct, purchase or repair upon the site selected, a passenger station with sufficient platforms at a cost not exceeding fifteen thousand dollars, exclusive of the cost of land; but if such reimbursements received shall not amount to that sum, then at a cost, exclusive of cost of land, not exceeding the full amount of such reimbursements, but not less than twelve thousand dollars: *provided*, that if all reimbursements due or to become due shall have been fully paid to the satisfaction of the governor and council and shall not amount to fifteen thousand dollars, then said station shall be constructed at a cost not exceeding fifteen thousand dollars, exclusive of cost of land, and the deficit after exhausting such reimbursements shall be taken from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel, which are hereby appropriated for the purpose.

SECTION 4. When said manager shall be ready to construct, purchase or repair said station as provided in section three, if within two years from the passage of this act, he shall notify the Fitchburg Railroad Company or the corporation operating the Vermont and Massachusetts Railroad and the Connecticut River Railroad Company, and the station provided for shall be a union passenger station; and said manager shall forthwith submit to the said companies plans of said station and of the accommodations to be furnished them in said station; and if said companies or either of them shall disapprove or neglect for thirty days to agree to the same, then all questions relative thereto shall be settled by the decision of the major part of the board of railroad commissioners. After such settlement said manager shall forthwith construct, purchase or repair said union passenger station as provided in section three, and shall thereafter maintain and keep it in repair; but it shall be used as a passenger station by the Connecticut River Railroad Company, the Fitchburg Railroad Company, and other corporations using or operating the Vermont and Massachusetts Railroad, and by all corporations using or

Passenger station to be built as soon as sufficient is received from reimbursements to pay for same.

Proviso.

Plans of proposed station to be submitted to the Fitchburg, Vermont and Massachusetts, and Connecticut River Railroads for approval.

Rental or tolls
for use of sta-
tion.

operating the Troy and Greenfield Railroad in Greenfield, and by the manager and his employés for their purposes, under such rules and regulations as may be agreed upon by the manager, under direction of the governor and council, with the corporations using the same, or on failure to agree, as may from time to time be prescribed by the board of railroad commissioners or a major part thereof. The rental or tolls which the corporations using said station shall pay therefor to the Commonwealth, and which the corporations using the Vermont and Massachusetts Railroad shall pay for the use of the tracks of the Troy and Greenfield Railroad necessary to reach said station, shall be determined by agreement of the parties interested with the manager under direction of the governor and council, and on failure of such agreement shall be determined and may be revised and altered at intervals of not less than three years by the majority of the railroad commissioners upon application of any party interested. Any party aggrieved by any decision as to the amount of rental or tolls to be paid as provided, may within six months from the date thereof appeal from the same to the superior court, and have his case tried by a jury at the bar of that court in the county of Franklin, whose verdict accepted by said court shall be final until another revision as before provided.

Temporary pas-
senger accom-
modations may
be provided.

SECTION 5. Until the construction of a station as herein before provided, the manager under the direction of the governor and council if they deem it necessary, may provide such temporary passenger accommodations for the use of the corporations using the Troy and Greenfield Railroad as may be deemed fit.

Manager may
take land from
Connecticut
River Railroad.

SECTION 6. For the purposes of this act the said manager under direction of the governor and council may take all land necessary, from land of the Connecticut River Railroad Company or other parties, in manner provided by law for the taking of land for depot and station purposes by railroad corporations, so far as the same may apply: *provided*, that for the purposes of this act no land of the Connecticut River Railroad Company lying easterly of Clayhill Street, or the highway leading therefrom from Greenfield to Deerfield, or within four feet of the westerly rail of their main track shall be taken without the consent of said company. The land taken under the provisions of this section shall be paid for from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel. All persons or corporations aggrieved by any award of damages for

Proviso.

land so taken shall have a right to trial by jury thereon in manner provided by law in such cases.

SECTION 7. If the station herein provided for shall be located westerly of Clayhill Street, and the county commissioners or selectmen of Greenfield shall lay out a highway or townway for convenience of access thereto, they are hereby authorized with the consent of a majority of the railroad commissioners to take such land of the Connecticut River Railroad Company lying more than fifteen feet westerly of the westerly rail of their main track as may be necessary for such purpose; and the damages for such taking shall be ascertained and paid by the county or town in the manner now provided by law in case of lands taken for highways or townways.

Certain land may be taken from Connecticut River Railroad, if station is located westerly of Clayhill Street.

SECTION 8. For the purposes of this act a sum not exceeding nine thousand dollars is hereby appropriated, to be paid from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Appropriation from earnings of the road.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT TO PERMIT THE ESTABLISHMENT OF A UNION FREIGHT DEPOT IN GREENFIELD.

Chap. 278

Be it enacted, &c., as follows:

SECTION 1. The manager of the Troy and Greenfield Railroad and Hoosac Tunnel, under the direction of the governor and council, may if the interests of said railroad require, by agreement with the Connecticut River Railroad Company and the Fitchburg Railroad Company, or other corporation operating the Vermont and Massachusetts Railroad, or either of them, construct or maintain a union freight depot and establish a freight yard upon such portions as the parties and the owners may agree upon of the following described land in Greenfield and Deerfield, to wit: Beginning at the north corner of the wall in the south line of Clayhill Street, opposite the passenger station in said Greenfield; thence running southerly along said wall eighty feet; thence southerly in a straight line to a point situated twenty-five feet distant westerly from the said wall, measuring at right angles thereto, and one hundred and fifty feet from its south end; thence to a point in the east line of Clayhill Street, distant one hundred and eighty feet southerly from the said south end of the wall; thence northerly in the east line of Clayhill Street, about one hundred and seventy-nine feet, to the south line of the land lately purchased by the Troy and

Union freight depot may be established in Greenfield.

Description of land.

Greenfield Railroad Company; thence easterly along said south line, about one hundred and sixty-three and one-half feet, to a point distant forty-two feet westerly at right angles from the centre line of the east main track of the Connecticut River Railroad; thence northerly, and parallel to said main track, five hundred feet; thence northerly two hundred and eighty-seven feet to a point situated four feet distant westerly from the west rail of the Connecticut River Railroad Company's third track from the east; thence northerly, and parallel to said third track, about sixty-nine feet, to the south line of Clayhill Street; thence along said south line of Clayhill Street, about fifty-five feet, to the place of beginning. Also another parcel of land lying south of the above described land, and bounded as follows: On the north by the above parcel of land; on the south by Russell Street; on the east by a line drawn through a point six feet easterly from the south-east corner of land of the Commonwealth above described in a projection of the south line of said land, said line drawn through said point being extended parallel to the present main tracks of the Connecticut River Railroad to Russell Street; and on the west by the "Upper Road," so called, leading from the passenger station of the Connecticut River Railroad to Cheapside.

Description of land.

May take land lying in the highway leading from Greenfield to Deerfield.

May change grade of road.

Title to land to remain in present owners.

SECTION 2. For the purposes of this act, and for other railroad purposes, the said manager with the approval of the governor and council may purchase or take any portion of the above described land lying in the highway leading from Greenfield to Deerfield, or in the said Upper Road, under the provisions of law relative to the taking of land for depot and station purposes by railroad corporations, so far as the same may apply; and lands so taken or purchased shall remain the property of the Commonwealth when paid for, notwithstanding the provisions of section five of this act. To establish said yard, and for access thereto of the parties and the public, said manager with the approval of the governor and council and the consent of the county commissioners of Franklin County for a county road, or the selectmen of Greenfield or Deerfield for a townway, is authorized to raise, lower, alter the course of, or otherwise change, said highway or said Upper Road.

SECTION 3. The title to said land now owned by the parties shall remain in the present owners and their assigns, subject to the uses thereof provided for by contracts under this act while they shall remain in force.

The said yard and freight depot, if established and constructed as provided in section one, shall be used jointly by the said manager, the corporations now or hereafter operating or using the Troy and Greenfield Railroad or the Vermont and Massachusetts Railroad, and by the Connecticut River Railroad Company; but the main tracks of the Troy and Greenfield Railroad, single or double, shall pass in the described land to the present line of the Vermont and Massachusetts Railroad in a location which may be agreed upon, free of all control of any party except the manager under provisions of law; and the Fitchburg Railroad may locate the main tracks of the Vermont and Massachusetts Railroad, single or double, to connect with said tracks of the Troy and Greenfield Railroad: *provided*, that no corporation not a party to the said agreement shall be compelled by this section to use said yard or depot without their consent.

Yard and depot to be used in common.

SECTION 4. The use and arrangement of the tracks and switches of said yard, the management, control, occupation and maintenance of said yard and depot, and the tolls, rents and expenses of and for said yard and depot, and the tracks thereof, to be paid by each party using to the Commonwealth or to each other party, shall be determined or provided for by said agreement; and arbitration as to questions arising relative thereto may be provided for, but said agreement shall be subject to the provisions of this act.

Expenses of yard and depot, to be paid by parties as agreed upon.

SECTION 5. No rights shall be gained by virtue of this act, or any contract made under it, in or upon the lands of the Commonwealth or of the Troy and Greenfield Railroad, which may not be terminated at the pleasure of the Commonwealth at any time, but all contracts made under the provisions of this act may be terminated at any time by laws which may be enacted by the general court, without any claim of any party against the Commonwealth for damages or compensation in any event exceeding the actual value of the rights of such party, or the expenditure actually incurred by such party for construction expenses (exclusive of repairs) caused by the establishment of said yard and depot, which expenditure shall not exceed a limit which shall be stated in the original agreement; and in case of such termination, the tracks and location of the Troy and Greenfield Railroad may be relocated as now established by law, and the tracks of the Vermont and Massachusetts Railroad may be relocated to connect with the same.

No rights to be gained upon the lands of the State or of the Troy and Greenfield Railroad.

Appropriation
from earnings of
road.

SECTION 6. For the purposes of this act, a sum not exceeding three thousand dollars is appropriated, to be paid from the earnings of the Troy and Greenfield Railroad and Hoosac Tunnel.

Approved May 17, 1878.

Chap. 279 AN ACT RELATIVE TO THE TROY AND GREENFIELD RAILROAD IN THE STATE OF VERMONT, OTHERWISE KNOWN AS THE SOUTHERN VERMONT RAILROAD, AND CERTAIN RAILROADS IN VERMONT, TO BE CONSTRUCTED, TO CONNECT WITH THE TROY AND GREENFIELD RAILROAD.

Be it enacted, &c., as follows :

Troy and Bos-
ton Railroad
Company may
assign to the
Commonwealth
their lease of the
Southern Ver-
mont Railroad.

SECTION 1. Whereas the Troy and Boston Railroad Company, a corporation established under the laws of New York, claim to hold a lease of that portion of the Troy and Greenfield Railroad lying in the state of Vermont, and otherwise known as the Southern Vermont Railroad, by the terms of which lease an annual rental is paid to this Commonwealth; and whereas said railroad is of value as affording access to that part of the Troy and Greenfield Railroad lying in this Commonwealth, and to the Hoosac Tunnel, to and from the state of New York: Now, for the purpose of affording access to said Troy and Greenfield Railroad and Hoosac Tunnel, the said Troy and Boston Railroad Company are hereby authorized and permitted to assign said lease to this Commonwealth; and thereupon said corporation shall be released and discharged from all obligations not already incurred to the Commonwealth, arising from said lease; but all future obligations of the said corporation under the same shall be assumed by this Commonwealth; and the said Troy and Boston Railroad, and all other railroads, shall be allowed to connect with said Railroad in Vermont at the line of the state of New York, with the same facilities for the use of the Troy and Greenfield Railroad, and for connection for the transportation of freight and passengers, subject to the laws of Vermont, as would be granted to the several railroads if connecting at the state line of Massachusetts: *provided, however,* that if the Troy and Boston Railroad Company shall not, within forty days from and after the passage of this act, deliver to the governor and council, for the benefit of the Commonwealth, a full assignment of said lease, satisfactory in form to the attorney-general, said corporation shall have no authority under this act to make such assignment.

Proviso.

Upon assign-
ment of lease,
its value to be

SECTION 2. If the said Troy and Boston Railroad Company shall assign to the Commonwealth of Massachusetts

said lease, and all their rights under the same, within forty days as above provided, an impartial commission of three able and discreet men shall be appointed, — one by the governor, with the advice and consent of the council, one by the Troy and Boston Railroad Company, and the third by the commissioners so selected; and on the failure to appoint the third commissioner for the space of sixty days after the choice of the first two commissioners, then the said third commissioner may be appointed by the supreme court of the state of Vermont, sitting in full bench, or by all the judges of said court acting as individuals. When said commission shall have been appointed they shall proceed to assess and determine the value of the said lease, subject to its rental, and of the rights of the Troy and Boston Railroad Company under the same; but in such assessment and determination it shall be presumed that free charters for additional railroads may be granted by the state of Vermont to connect the Troy and Greenfield Railroad with the railroads of the state of New York; and the decision of such commissioners must be unanimous and shall in that case be final. The value of the said lease and of the rights of said corporation under the same, determined as provided, shall be paid to the Troy and Boston Railroad Company by the Commonwealth of Massachusetts.

determined by
commissioners.

Appointment of
commissioners.

Value to be paid
by the Common-
wealth.

SECTION 3. If said Troy and Boston Railroad Company shall not assign said lease as above provided, the consent of this Commonwealth is hereby given, so far as the same may be lawful and its title or interest is concerned, to the Boston, Hoosac Tunnel and Western Railway Company, a corporation duly established under the laws of the state of Vermont, to enter upon, and use and locate, construct and maintain, under the laws of the state of Vermont, a railroad upon the rights of way and railroad lands of said Troy and Greenfield Railroad in the state of Vermont, otherwise called the Southern Vermont Railroad, and upon such parts and portions of the same as may be necessary to construct their railroad through the state of Vermont, but not interfering with the main tracks of the present road, nor entering within one rod of said tracks, except as may be necessary for connection with the Troy and Greenfield Railroad at the state line of Massachusetts.

If lease is not assigned, the Boston, Hoosac Tunnel and Western Railway Company may enter upon and use the Southern Vermont Railroad

SECTION 4. The consent of this Commonwealth referred to in section three shall not be construed to release the Troy and Boston Railroad Company from any obligations they may be under by virtue of said lease, nor to

Not to be construed to release Troy and Boston Railroad Company from any obligations

or rights under
the lease.

interfere in any way with their rights thereunder, nor to permit the Boston, Hoosac Tunnel and Western Railway Company, or any person, to enter upon, use, locate, construct or maintain a railroad upon the rights of way or railroad lands of said Troy and Greenfield Railroad in the state of Vermont, without payment to the said Troy and Boston Railroad Company of all damages caused thereby to said corporation, and to any rights they may have under said lease, as the same may be assessed under the laws of Vermont for the taking of land and other property for such purposes, nor shall it authorize any eviction of the tenant from any rights under said lease, nor any interference with such rights; but nothing in this act shall be construed to confirm, ratify or validate said lease.

The Boston,
Hoosac Tunnel
and Western
Railway Com-
pany of Ver-
mont to file in
office of auditor
a statement of
cost of road.

SECTION 5. The Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall upon the completion of its road file in the office of the auditor of this Commonwealth a full, accurate and detailed statement of the cost of its road, the same to be duly verified by the oaths of its president and treasurer.

Commonwealth
may purchase
roads by paying
full cost and ten
per cent. inter-
est.

SECTION 6. The Commonwealth of Massachusetts may at any time purchase the railroads and their appurtenances lying in Vermont, located or constructed now or hereafter by the said Boston, Hoosac Tunnel and Western Railway Company, to connect with the Troy and Greenfield Railroad in this Commonwealth, free of all liens, mortgages, leases and conveyances, with all the rights of said corporation and all others to use the same, and all the franchises of said corporation, by paying to said corporation the full cost of said railroads and ten per cent. interest thereon, deducting all dividends paid to stockholders thereon, and net earnings thereof undivided; and thereafter said railroads so purchased shall be operated and controlled, so far as the laws of Vermont will permit, in like manner as the Troy and Greenfield Railroad in this Commonwealth now is or hereafter may be.

Tolls and charges in case the state possesses the Troy and Greenfield in Vermont, and has not purchased the Boston, Hoosac Tunnel and Western Railway.

SECTION 7. If at any time the Commonwealth of Massachusetts shall become possessed of the said Troy and Greenfield Railroad in the state of Vermont, and shall not have purchased the Boston, Hoosac Tunnel and Western Railway in the state of Vermont, as provided in this act, and said roads shall be operated as independent parallel roads, while the said Troy and Greenfield Railroad in the state of Vermont shall be possessed by this Commonwealth, the freight and passengers which shall be received at the state line of this Commonwealth from the Boston,

Hoosac Tunnel and Western Railway, and which shall be carried upon the Troy and Greenfield Railroad in this Commonwealth, shall be free from all tolls and charges which may be imposed upon and for the carriage of freight and passengers upon the said Troy and Greenfield Railroad in the state of Vermont; but tolls and charges for or upon such carriage shall be exacted from its place of delivery at the state line of this Commonwealth.

SECTION 8. Whenever the Boston, Hoosac Tunnel and Western Railway Company of New York, and the Boston, Hoosac Tunnel and Western Railway Company of Vermont, have completed a continuous line of railroad, either by constructing an independent road or by using in part existing roads, from the Hudson River, near Mechanicsville, to the Troy and Greenfield Railroad at the state line of Vermont and Massachusetts, the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall be entitled to all the rights and privileges of connecting railroads under chapter seventy-seven of the acts of the year eighteen hundred and seventy-five and all acts of this Commonwealth relating to connecting roads, until said acts shall be changed by the general court.

To have all rights of connecting roads when continuous line is completed.

SECTION 9. Unless the Boston, Hoosac Tunnel and Western Railway Company of New York, and the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall have completed and opened for use a continuous line of their railroad from Mechanicsville, in the state of New York, to the Troy and Greenfield Railroad at the state line of Vermont and Massachusetts, before the first day of May, eighteen hundred and eighty, all the rights of the Boston, Hoosac Tunnel and Western Railway Company of Vermont under this act shall cease and determine, and all titles of said corporation acquired under the same shall become void, except as saved by further laws of this Commonwealth.

Rights of the Boston, Hoosac Tunnel and Western Railway Company of Vermont to cease unless line is completed before May 1, 1880.

SECTION 10. The first and second sections of this act shall take effect upon its passage; and the remaining sections shall take effect whenever the Boston, Hoosac Tunnel and Western Railway Company of Vermont, shall file in the office of the secretary of this Commonwealth a valid and effective agreement, ratified by a vote of its stockholders, and satisfactory to the attorney-general, to accept the same, and that all the terms and conditions therein named shall be complied with: *provided*, such agreement shall be so filed within forty days of the passage of this act, and said agreement shall be recorded in the town

When to take effect.

Proviso.

clerk's office of the town of Pownal, in the state of Vermont.

Approved May 17, 1878.

Chap. 280 AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION DOLLARS.

Be it enacted, &c., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule; that is to say: —

State tax of \$1,-
000,000.

Barnstable
County.

BARNSTABLE COUNTY.

Barnstable, . . .	One thousand five hundred and sixty dollars, . . .	\$1,560 00
Brewster, . . .	Four hundred and ten dollars, . . .	410 00
Chatham, . . .	Five hundred dollars, . . .	500 00
Dennis, . . .	Nine hundred and twenty dollars, . . .	920 00
Eastham, . . .	One hundred and thirty dollars, . . .	130 00
Falmouth, . . .	One thousand three hundred and seventy dollars, . . .	1,370 00
Harwich, . . .	Six hundred and fifty dollars, . . .	650 00
Mashpee, . . .	Sixty dollars, . . .	60 00
Orleans, . . .	Three hundred dollars, . . .	300 00
Provincetown, . . .	One thousand one hundred dollars, . . .	1,100 00
Sandwich, . . .	Eight hundred and ten dollars, . . .	810 00
Truro, . . .	One hundred and eighty dollars, . . .	180 00
Wellfleet, . . .	Five hundred and forty dollars, . . .	540 00
Yarmouth, . . .	Eight hundred and forty dollars, . . .	840 00
		\$9,370 00

Berkshire Coun-
ty.

BERKSHIRE COUNTY.

Adams, . . .	One thousand two hundred and sixty dollars, . . .	\$1,260 00
Alford, . . .	One hundred and sixty dollars, . . .	160 00
Becket, . . .	Two hundred and eighty dollars, . . .	280 00

BERKSHIRE COUNTY — CONTINUED.

Berkshire County.

Cheshire, . .	Six hundred and ten dollars, . .	\$610 00
Clarksburg, . .	One hundred and fifty dollars, . .	150 00
Dalton, . .	Seven hundred and thirty dollars, . .	730 00
Egremont, . .	Three hundred and forty dollars, . .	340 00
Florida, . .	One hundred and twenty dollars, . .	120 00
Gt. Barrington, . .	One thousand nine hundred and ten dollars,	1,910 00
Hancock, . .	Two hundred and fifty dollars, . .	250 00
Hinsdale, . .	Four hundred and eighty dollars, . .	480 00
Lanesborough, . .	Four hundred and forty dollars, . .	440 00
Lee,	One thousand one hundred and twenty dollars,	1,120 00
Lenox,	Eight hundred dollars,	800 00
Monterey, . .	One hundred and sixty dollars, . .	160 00
Mt. Washington, . .	Fifty dollars,	50 00
New Ashford, . .	Fifty dollars,	50 00
New Marlboro', . .	Four hundred and eighty dollars, . .	480 00
North Adams, . .	Two thousand four hundred and thirty dollars,	2,430 00
Otis,	One hundred and sixty dollars, . .	160 00
Peru,	Ninety dollars,	90 00
Pittsfield, . .	Five thousand and sixty dollars, . .	5,060 00
Richmond, . .	Three hundred and thirty dollars, . .	330 00
Sandisfield, . .	Two hundred and fifty dollars, . .	250 00
Savoy,	One hundred and thirty dollars, . .	130 00
Sheffield, . .	Six hundred and seventy dollars, . .	670 00
Stockbridge, . .	One thousand five hundred and seventy dollars,	1,570 00
Tyringham, . .	One hundred and fifty dollars, . .	150 00
Washington, . .	One hundred and forty dollars, . .	140 00
W. Stockbridge, . .	Five hundred dollars,	500 00

BERKSHIRE COUNTY — CONCLUDED.

Williamstown, .	One thousand and forty dollars, .	\$1,040 00
Windsor, . .	One hundred and thirty dollars, .	130 00
		<hr/> \$22,040 00

Bristol County.

BRISTOL COUNTY.

Acushnet, . .	Three hundred and forty dollars, .	\$ 340 00
Attleborough, .	Two thousand five hundred and ninety dollars,	2,590 00
Berkley, . . .	One hundred and eighty dollars, .	180 00
Dartmouth, . .	One thousand and fifty dollars, .	1,050 00
Dighton, . . .	Four hundred and seventy dollars, .	470 00
Easton,	One thousand six hundred and sixty dollars,	1,660 00
Fairhaven, . .	Eight hundred and ninety dollars, .	890 00
Fall River, . .	Twenty-six thousand seven hundred and ten dollars,	26,710 00
Freetown, . . .	Four hundred and twenty dollars, .	420 00
Mansfield, . . .	Six hundred and seventy dollars, .	670 00
New Bedford, .	Fourteen thousand five hundred and eighty dollars,	14,580 00
Norton,	Four hundred and ninety dollars, .	490 00
Raynham, . . .	Seven hundred dollars,	700 00
Rehoboth, . . .	Four hundred and sixty dollars, .	460 00
Seekonk,	Three hundred and fifty dollars, .	350 00
Somerset, . . .	Six hundred dollars,	600 00
Swanzy,	Three hundred and ninety dollars, .	390 00
Taunton,	Nine thousand five hundred and seventy dollars,	9,570 00
Westport, . . .	Eight hundred and twenty dollars, .	820 00
		<hr/> \$62,940 00

DUKES COUNTY.

Dukes County.

Chilmark, . .	One hundred and seventy dollars, .	\$170 00
Edgartown, . .	Nine hundred and seventy dollars, .	970 00
Gay Head, . .	Ten dollars,	10 00
Gosnold, . . .	One hundred dollars,	100 00
Tisbury, . . .	Four hundred dollars,	400 00
		<hr/> \$1,650 00

ESSEX COUNTY.

Essex County.

Amesbury, . .	One thousand and twenty dollars, .	\$1,020 00
Andover, . . .	Two thousand one hundred and fifty dollars,	2,150 00
Beverly, . . .	Four thousand seven hundred and sixty dollars,	4,760 00
Boxford, . . .	Three hundred and forty dollars, .	340 00
Bradford, . . .	Seven hundred and eighty dollars, .	780 00
Danvers, . . .	Two thousand one hundred and forty dollars,	2,140 00
Essex,	Five hundred and fifty dollars, .	550 00
Georgetown, .	Six hundred dollars,	600 00
Gloucester, . .	Five thousand dollars,	5,000 00
Groveland, . .	Five hundred dollars,	500 00
Hamilton, . . .	Three hundred dollars,	300 00
Haverhill, . .	Six thousand dollars,	6,000 00
Ipswich, . . .	One thousand two hundred and ten dollars,	1,210 00
Lawrence, . . .	Twelve thousand six hundred and thirty dollars,	12,630 00
Lynn,	Fourteen thousand nine hundred and twenty dollars,	14,920 00
Lynnfield, . .	Four hundred and fifty dollars, .	450 00
Manchester, . .	Nine hundred and eighty dollars, .	980 00
Marblehead, . .	Two thousand three hundred and seventy dollars,	2,370 00

Essex County.

ESSEX COUNTY — CONCLUDED.

Merrimac, . .	Five hundred and sixty dollars, .	\$ 560 00
Methuen, . .	One thousand three hundred and forty dollars,	1,340 00
Middleton, . .	Two hundred and seventy dollars, .	270 00
Nahant, . . .	Four thousand one hundred and forty dollars,	4,140 00
Newbury, . . .	Five hundred and seventy dollars, .	570 00
Newburyport, .	Four thousand three hundred and seventy dollars,	4,370 00
North Andover, .	One thousand two hundred and forty dollars,	1,240 00
Peabody, . . .	Three thousand six hundred and fifty dollars,	3,650 00
Rockport, . . .	One thousand two hundred and twenty dollars,	1,220 00
Rowley,	Three hundred and twenty dollars, .	320 00
Salem,	Fourteen thousand six hundred and ninety dollars,	14,690 00
Salisbury, . . .	One thousand two hundred and thirty dollars,	1,230 00
Saugus,	One thousand and twenty dollars, .	1,020 00
Swampscott, . .	One thousand four hundred and thirty dollars,	1,430 00
Topsfield, . . .	Four hundred and thirty dollars, .	430 00
Wenham,	Three hundred and thirty dollars, .	330 00
West Newbury, .	Six hundred and twenty dollars, .	620 00
		<hr/> \$94,130 00

Franklin County.

FRANKLIN COUNTY.

Ashfield, . . .	Three hundred and ten dollars, .	\$310 00
Bernardston, . .	Two hundred and forty dollars, .	240 00
Buckland, . . .	Three hundred and fifty dollars, .	350 00
Charlemont, . .	Two hundred and ten dollars, . .	210 00
Colrain,	Three hundred and ninety dollars, .	390 00
Conway,	Four hundred and sixty dollars, .	460 00
Deerfield, . . .	Nine hundred and fifty dollars, .	950 00

FRANKLIN COUNTY—CONCLUDED.

Franklin County.

Erving, . . .	Two hundred dollars, . . .	\$200 00
Gill, . . .	Two hundred and seventy dollars, .	270 00
Greenfield, . .	One thousand seven hundred and seventy dollars, . . .	1,770 00
Hawley, . . .	One hundred dollars, . . .	100 00
Heath, . . .	One hundred and ten dollars, . .	110 00
Leverett, . . .	One hundred and ninety dollars, .	190 00
Leyden, . . .	One hundred and thirty dollars, .	130 00
Monroe, . . .	Thirty dollars, . . .	30 00
Montague, . .	One thousand one hundred and fifty dollars, . . .	1,150 00
New Salem, . .	One hundred and ninety dollars, .	190 00
Northfield, . .	Four hundred and thirty dollars, .	430 00
Orange, . . .	Eight hundred and ninety dollars, .	890 00
Rowe, . . .	One hundred dollars, . . .	100 00
Shelburne, . .	Five hundred and thirty dollars, .	530 00
Shutesbury, . .	One hundred dollars, . . .	100 00
Sunderland, . .	Two hundred and seventy dollars, .	270 00
Warwick, . . .	One hundred and seventy dollars, .	170 00
Wendell, . . .	One hundred dollars, . . .	100 00
Whately, . . .	Four hundred and forty dollars, .	440 00
		<hr/> \$10,080 00

HAMPDEN COUNTY.

Hampden County.

Agawam, . . .	Seven hundred and ten dollars, .	\$710 00
Blandford, . .	Two hundred and thirty dollars, .	230 00
Brimfield, . .	Three hundred and thirty dollars, .	330 00
Chester, . . .	Three hundred and ten dollars, .	310 00

Hampden
County.

HAMPDEN COUNTY — CONCLUDED.

Chicopee, . .	Three thousand two hundred and thirty dollars,	\$3,230 00
Granville, . .	Two hundred and forty dollars, .	240 00
Holland, . .	Seventy dollars,	70 00
Holyoke, . .	Five thousand seven hundred and sixty dollars,	5,760 00
Longmeadow, .	Seven hundred and sixty dollars, .	760 00
Ludlow, . .	Three hundred and ten dollars, .	310 00
Monson, . .	Eight hundred and ten dollars, .	810 00
Montgomery, .	Eighty dollars,	80 00
Palmer, . .	One thousand and forty dollars, .	1,040 00
Russell, . .	Two hundred and thirty dollars, .	230 00
Southwick, .	Three hundred and fifty dollars, .	350 00
Springfield, .	Twenty-two thousand and thirty dollars,	22,030 00
Tolland, . .	One hundred and thirty dollars, .	130 00
Wales, . .	Two hundred and fifty dollars, .	250 00
Westfield, . .	Three thousand nine hundred and seventy dollars,	3,970 00
W. Springfield, .	One thousand six hundred and sixty dollars,	1,660 00
Wilbraham, .	Five hundred and fifty dollars, .	550 00
		<hr/> \$43,050 00

Hampshire
County.

HAMPSHIRE COUNTY.

Amherst, . .	One thousand four hundred and ten dollars,	\$1,410 00
Belchertown, .	Six hundred dollars,	600 00
Chesterfield, .	One hundred and eighty dollars, .	180 00
Cummington, .	Two hundred and forty dollars, .	240 00
Easthampton, .	One thousand four hundred and ten dollars,	1,410 00
Enfield, . .	Four hundred and twenty dollars, .	420 00

HAMPSHIRE COUNTY — CONCLUDED.

Hampshire
County.

Goshen, . . .	Seventy dollars,	\$70 00
Granby, . . .	Two hundred and ninety dollars, .	290 00
Greenwich, . .	One hundred and seventy dollars, .	170 00
Hadley, . . .	Eight hundred and ten dollars, .	810 00
Hatfield, . . .	Seven hundred and ten dollars, .	710 00
Huntington, . .	Two hundred and ninety dollars, .	290 00
Middlefield, . .	Two hundred and ten dollars, .	210 00
Northampton, .	Four thousand two hundred and thirty dollars,	4,230 00
Pelham, . . .	One hundred dollars,	100 00
Plainfield, . .	One hundred and thirty dollars, .	130 00
Prescott, . . .	One hundred and ten dollars, . . .	110 00
South Hadley, .	One thousand and fifty dollars, .	1,050 00
Southampton, .	Two hundred and eighty dollars, .	280 00
Ware,	One thousand and seventy dollars, .	1,070 00
Westhampton, .	One hundred and sixty dollars, .	160 00
Williamsburg, .	Seven hundred and sixty dollars, .	760 00
Worthington, .	Two hundred dollars,	200 00
		\$14,900 00

MIDDLESEX COUNTY.

Middlesex
County.

Acton, . . .	Seven hundred and twenty dollars, .	\$720 00
Arlington, . .	Three thousand three hundred and forty dollars,	3,340 00
Ashby, . . .	Three hundred dollars,	300 00
Ashland, . . .	Eight hundred and ten dollars, .	810 00
Ayer,	Six hundred and ten dollars, . . .	610 00
Bedford, . . .	Four hundred and ten dollars, .	410 00

Middlesex
County.

MIDDLESEX COUNTY—CONTINUED.

Belmont, . .	Two thousand two hundred and forty dollars, . .	\$2,240 00
Billerica, . .	Nine hundred and fifty dollars, . .	950 00
Boxborough, . .	One hundred and fifty dollars, . .	150 00
Burlington, . .	Two hundred and ninety dollars, . .	290 00
Cambridge, . .	Thirty-four thousand seven hundred and seventy dollars,	34,770 00
Carlisle, . .	Two hundred and ten dollars, . .	210 00
Chelmsford, . .	Eight hundred and thirty dollars, . .	830 00
Concord, . .	One thousand six hundred and eighty dollars,	1,680 00
Dracut, . .	Five hundred and sixty dollars, . .	560 00
Dunstable, . .	One hundred and ninety dollars, . .	190 00
Everett, . .	Two thousand three hundred and twenty dollars,	2,320 00
Framingham, . .	Two thousand six hundred and ten dollars,	2,610 00
Groton, . .	One thousand two hundred and twenty dollars,	1,220 00
Holliston, . .	One thousand and forty dollars, . .	1,040 00
Hopkinton, . .	One thousand two hundred and eighty dollars,	1,280 00
Hudson, . .	Nine hundred and fifty dollars, . .	950 00
Lexington, . .	One thousand six hundred and thirty dollars,	1,630 00
Lincoln, . .	Four hundred and seventy dollars, . .	470 00
Littleton, . .	Four hundred and twenty dollars, . .	420 00
Lowell, . .	Twenty-one thousand one hundred dollars,	21,100 00
Malden, . .	Five thousand two hundred dollars, . .	5,200 00
Marlborough, . .	One thousand eight hundred and eighty dollars,	1,880 00
Maynard, . .	Seven hundred and thirty dollars, . .	730 00
Medford, . .	Five thousand one hundred and thirty dollars,	5,130 00
Melrose, . .	Two thousand three hundred and eighty dollars,	2,380 00
Natick, . .	Two thousand and seventy dollars, . .	2,070 00
Newton, . .	Sixteen thousand and eighty dollars, . .	16,080 00

MIDDLESEX COUNTY — CONCLUDED.

Middlesex
County.

North Reading, .	Two hundred and fifty dollars, .	\$250 00
Pepperell, . .	Eight hundred dollars, . . .	800 00
Reading, . .	One thousand three hundred dollars,	1,300 00
Sherborn, . .	Five hundred dollars, . . .	500 00
Shirley, . .	Five hundred and thirty dollars, .	530 00
Somerville, .	Fifteen thousand four hundred and forty dollars,	15,440 00
Stoneham, .	One thousand seven hundred and twenty dollars,	1,720 00
Stow, . .	Three hundred and ninety dollars, .	390 00
Sudbury, . .	Five hundred and sixty dollars, .	560 00
Tewksbury, .	Five hundred dollars,	500 00
Townsend, .	Four hundred and sixty dollars, .	460 00
Tyngsborough, .	One hundred and seventy dollars, .	170 00
Wakefield, .	Two thousand five hundred and forty dollars,	2,540 00
Waltham, . .	Five thousand four hundred and seventy dollars,	5,470 00
Watertown, .	Four thousand two hundred and eighty dollars,	4,280 00
Wayland, . .	Six hundred and twenty dollars, .	620 00
Westford, . .	Six hundred and twenty dollars, .	620 00
Weston, . .	Nine hundred and twenty dollars, .	920 00
Wilmington, .	Three hundred dollars,	300 00
Winchester, .	Two thousand five hundred and ten dollars,	2,510 00
Woburn, . .	Four thousand seven hundred and fifty dollars,	4,750 00
		<hr/> \$159,200 00

NANTUCKET COUNTY.

Nantucket
County.

Nantucket, .	One thousand three hundred and thirty dollars,	\$1,330 00
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Norfolk County.

NORFOLK COUNTY.

Bellingham, . .	Three hundred dollars,	\$300 00
Braintree, . .	One thousand five hundred dollars,	1,500 00
Brookline, . .	Fifteen thousand eight hundred and ten dollars,	15,810 00
Canton, . . .	One thousand seven hundred and forty dollars,	1,740 00
Cohasset, . . .	One thousand two hundred and eighty dollars,	1,280 00
Dedham, . . .	Three thousand three hundred and thirty dollars,	3,330 00
Dover,	Two hundred and forty dollars, .	240 00
Foxborough, . .	Nine hundred and seventy dollars, .	970 00
Franklin, . . .	Eight hundred and thirty dollars, .	830 00
Holbrook, . . .	Eight hundred and sixty dollars, .	860 00
Hyde Park, . .	Three thousand four hundred and ninety dollars,	3,490 00
Medfield, . . .	Five hundred and sixty dollars, .	560 00
Medway, . . .	One thousand and twenty dollars, .	1,020 00
Milton,	Four thousand two hundred and eighty dollars,	4,280 00
Needham, . . .	Two thousand four hundred and forty dollars,	2,440 00
Norfolk,	Three hundred and ten dollars, .	310 00
Norwood, . . .	Nine hundred and forty dollars, .	940 00
Quincy,	Three thousand nine hundred dollars,	3,900 00
Randolph, . . .	One thousand three hundred and seventy dollars,	1,370 00
Sharon,	Five hundred and thirty dollars, .	530 00
Stoughton, . .	One thousand three hundred and ninety dollars,	1,390 00
Walpole,	Eight hundred and thirty dollars, .	830 00
Weymouth, . .	Three thousand three hundred and eighty dollars,	3,380 00
Wrentham, . . .	Six hundred and fifty dollars, .	650 00
		<hr/> \$51,950 00

PLYMOUTH COUNTY.

Plymouth County.

Abington, . .	Nine hundred and forty dollars, .	\$940 00
Bridgewater, .	One thousand four hundred and thirty dollars,	1,430 00
Brockton, . .	Three thousand one hundred and thirty dollars,	3,130 00
Carver, . . .	Three hundred and thirty dollars, .	330 00
Duxbury, . .	Seven hundred and fifty dollars, .	750 00
E. Bridgewater,	Seven hundred and seventy dollars,	770 00
Halifax, . . .	One hundred and seventy dollars, .	170 00
Hanover, . . .	Five hundred and fifty dollars, .	550 00
Hanson, . . .	Three hundred and thirty dollars, .	330 00
Hingham, . . .	One thousand nine hundred and fifty dollars,	1,950 00
Hull,	Three hundred and twenty dollars,	320 00
Kingston, . . .	Nine hundred and thirty dollars, .	930 00
Lakeville, . .	Three hundred and twenty dollars,	320 00
Marion,	Two hundred and seventy dollars, .	270 00
Marshfield, . .	Five hundred and fifty dollars, .	550 00
Mattapoisett, .	Six hundred and eighty dollars, .	680 00
Middleborough,	One thousand four hundred and forty dollars,	1,440 00
Pembroke, . . .	Four hundred dollars,	400 00
Plymouth, . . .	Two thousand four hundred and eighty dollars,	2,480 00
Plympton, . . .	One hundred and eighty dollars, .	180 00
Rochester, . . .	Two hundred and eighty dollars, .	280 00
Rockland, . . .	One thousand one hundred and fifty dollars,	1,150 00
Seituate, . . .	Eight hundred and ten dollars, .	810 00
South Abington,	Seven hundred and eighty dollars, .	780 00
South Seituate, .	Six hundred and twenty dollars, .	620 00
Wareham, . . .	Six hundred and fifty dollars, .	650 00
W. Bridgewater,	Five hundred and twenty dollars, .	520 00
		<hr/> \$22,730 00

Suffolk County.

SUFFOLK COUNTY.

Boston, . .	Four hundred and twelve thousand seven hundred and forty dollars, . .	\$112,740 00
Chelsea, . .	Nine thousand eight hundred and twenty dollars,	9,820 00
Revere, . .	One thousand and forty dollars, . .	1,040 00
Winthrop, . .	Five hundred and sixty dollars, . .	560 00
		<hr/> \$124,160 00

Worcester County.

WORCESTER COUNTY.

Ashburnham, . .	Six hundred and thirty dollars, . .	\$630 00
Athol,	One thousand five hundred and seventy dollars,	1,570 00
Auburn,	Three hundred and thirty dollars, . .	330 00
Barre,	One thousand and sixty dollars, . .	1,060 00
Berlin,	Two hundred and eighty dollars, . .	280 00
Blackstone, . .	One thousand one hundred and ninety dollars,	1,190 00
Bolton,	Three hundred and ten dollars, . .	310 00
Boylston,	Three hundred and twenty dollars, . .	320 00
Brookfield, . .	Seven hundred and ninety dollars, . .	790 00
Charlton,	Five hundred and sixty dollars, . .	560 00
Clinton,	Two thousand four hundred and seventy dollars,	2,470 00
Dana,	One hundred and seventy dollars, . .	170 00
Douglas,	Five hundred and thirty dollars, . .	530 00
Dudley,	Five hundred and ninety dollars, . .	590 00
Fitchburg, . . .	Seven thousand and ninety dollars, . .	7,090 00
Gardner,	One thousand one hundred and eighty dollars,	1,180 00
Grafton,	One thousand and ninety dollars, . .	1,090 00
Hardwick,	Six hundred and ten dollars,	610 00
Harvard,	Six hundred and ten dollars,	610 00

WORCESTER COUNTY — CONTINUED.

Worcester
County.

Holden, . . .	Five hundred and fifty dollars, . . .	\$550 00
Hubbardston, . . .	Four hundred and ninety dollars, . . .	490 00
Laicester, . . .	One thousand two hundred and seventy dollars,	1,270 00
Leicester, . . .	One thousand one hundred and ninety dollars,	1,190 00
Leominster, . . .	Two thousand one hundred and fifty dollars,	2,150 00
Lunenburg, . . .	Four hundred and thirty dollars, . . .	430 00
Mendon, . . .	Three hundred and seventy dollars, . . .	370 00
Milford, . . .	Two thousand eight hundred and sixty dollars,	2,860 00
Millbury, . . .	One thousand four hundred and seventy dollars,	1,470 00
New Braintree, . . .	Two hundred and seventy dollars, . . .	270 00
Northborough, . . .	Seven hundred and ten dollars, . . .	710 00
Northbridge, . . .	One thousand two hundred and fifty dollars,	1,250 00
N. Brookfield, . . .	One thousand and forty dollars, . . .	1,040 00
Oakham, . . .	Two hundred dollars,	200 00
Oxford, . . .	Eight hundred and sixty dollars, . . .	860 00
Paxton, . . .	One hundred and eighty dollars, . . .	180 00
Petersham, . . .	Three hundred and ninety dollars, . . .	390 00
Phillipston, . . .	One hundred and eighty dollars, . . .	180 00
Princeton, . . .	Five hundred and ten dollars, . . .	510 00
Royalston, . . .	Four hundred and twenty dollars, . . .	420 00
Rutland, . . .	Two hundred and sixty dollars, . . .	260 00
Shrewsbury, . . .	Six hundred and thirty dollars, . . .	630 00
Southborough, . . .	Seven hundred and seventy dollars, . . .	770 00
Southbridge, . . .	One thousand seven hundred and fifty dollars,	1,750 00
Spencer, . . .	One thousand five hundred and forty dollars,	1,540 00
Sterling, . . .	Six hundred and forty dollars, . . .	640 00
Sturbridge, . . .	Six hundred and forty dollars, . . .	640 00

Worcester
County.

WORCESTER COUNTY—CONCLUDED.

Sutton, . .	Eight hundred and twenty dollars, .	\$820 00
Templeton, .	Seven hundred and forty dollars, .	740 00
Upton, . .	Four hundred and ninety dollars, .	490 00
Uxbridge, . .	One thousand and twenty dollars, .	1,020 00
Warren, . .	Eight hundred and seventy dollars,	870 00
Webster, . .	One thousand four hundred dollars,	1,400 00
Westborough, .	One thousand three hundred and fifty dollars,	1,350 00
West Boylston, .	Six hundred and sixty dollars, .	660 00
West Brookfield,	Four hundred and eighty dollars, .	480 00
Westminster, .	Four hundred and ninety dollars, .	490 00
Winchendon, .	One thousand two hundred and forty dollars,	1,240 00
Worcester, .	Twenty-eight thousand five hundred and ten dollars,	28,510 00
		<hr/> \$82,470 00

Recapitulation
by counties.

RECAPITULATION.

Barnstable Co., .	Nine thousand three hundred and seventy dollars,	\$9,370 00
Berkshire Co., .	Twenty-two thousand and forty dol- lars,	22,040 00
Bristol Co., .	Sixty-two thousand nine hundred and forty dollars,	62,940 00
Dukes Co., .	One thousand six hundred and fifty dollars,	1,650 00
Essex Co., .	Ninety-four thousand one hundred and thirty dollars,	94,130 00
Franklin Co., .	Ten thousand and eighty dollars, .	10,080 00
Hampden Co., .	Forty-three thousand and fifty dol- lars,	43,050 00
Hampshire Co., .	Fourteen thousand nine hundred dollars,	14,900 00
Middlesex Co., .	One hundred fifty-nine thousand two hundred dollars,	159,200 00
Nantucket Co., .	One thousand three hundred and thirty dollars,	1,330 00

RECAPITULATION — CONCLUDED.

Norfolk Co., .	Fifty-one thousand nine hundred and fifty dollars, . . .	\$51,950 00
Plymouth Co., .	Twenty-two thousand seven hundred and thirty dollars, . . .	22,730 00
Suffolk Co., .	Four hundred and twenty-four thousand one hundred and sixty dollars, . . .	424,160 00
Worcester Co., .	Eighty-two thousand four hundred and seventy dollars, . . .	82,470 00
		<hr/> \$1,000,000 00

SECTION 2. The treasurer shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of the Commonwealth to issue warrant.

SECTION 3. The treasurer in his warrant shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year one thousand eight hundred and seventy-eight, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

To require selectmen or assessors to issue warrants to city or town treasurers.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dated on and after the tenth day of December next; and if the same remains unpaid after the first of January next, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing

To notify treasurers of delinquent cities and towns.

thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes, under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 281 AN ACT PROVIDING FOR THE SUBMISSION TO ARBITRATION OF
THE DEMANDS OF GEORGE CLAPP AND FREDERICK K. BALLOU
AGAINST THE COMMONWEALTH.

Be it enacted, &c., as follows :

Demands
against the Com-
monwealth to be
submitted to ar-
bitration.

SECTION 1. The harbor commissioners of the Commonwealth are hereby authorized to sign and acknowledge before a justice of the peace, in the name and behalf of the Commonwealth, an agreement with George Clapp and Frederick K. Ballou, both of Boston in the county of Suffolk, copartners under the style of Clapp and Ballou, to be signed and acknowledged before a justice of the peace by said Clapp and Ballou, for the submission of the demands of said Clapp and Ballou against the Commonwealth in their own original right, and as the assigns of the Rockport Granite Company of Massachusetts, heretofore presented to the governor and council, to the determination of Dwight Foster of Boston in the county of Suffolk, Charles U. Cotting of Brookline in the county of Norfolk and Jonathan A. Lane of said Boston as arbitrators, the unanimous award of whom being made and reported within one year from the passage of this act to the supreme judicial court for the county of Suffolk, the judgment of said court thereon shall be final; and said agreement of submission may provide that the arbitrators shall determine by whom the costs and expenses of such arbitration shall be borne, and determine all questions of costs, and subject to approval and allowance by said court, the fees of the arbitrators.

Award of arbi-
trators.

SECTION 2. The award of said arbitrators made and returned to the supreme judicial court for the county of Suffolk as provided in this act, may be acted on by said court or any justice thereof in term time or in vacation, and said court may accept, or reject, or recommit said award, or take such other action concerning the same as the court may take in relation to awards of arbitrators made under the one hundred and forty-seventh chapter of the General Statutes, reserving to either party the right of appeal from the decision of a single justice upon any matter of law.

SECTION 3. Upon the entry of final judgment upon said award by said court or any justice thereof as herein before provided, the governor shall draw his warrant for the amount, if any, which said Clapp and Ballou shall be found entitled to recover of said Commonwealth; and the same shall be paid to said Clapp and Ballou out of the treasury of the Commonwealth.

Upon entry of judgment upon award, governor to draw warrant for the amount.

SECTION 4. In case any vacancy shall occur by reason of the death, resignation or disability of any arbitrator, or other cause, his place may be supplied by any person whom the said Clapp and Ballou, or the survivor of them, and the harbor commissioners of the Commonwealth may in writing agree upon; and thereupon the arbitration shall proceed, and the award shall have the same effect and validity as though such substituted arbitrator had been originally named as such in the agreement of submission.

Vacancy in board of arbitrators.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1878.

AN ACT TO PROVIDE ADDITIONAL PAY TO POOR AND INDIGENT SOLDIERS AND SAILORS.

Chap. 282

Be it enacted, &c., as follows:

SECTION 1. Every city and town in which any soldiers or sailors reside, who have served in the army or navy of the United States to the credit of this Commonwealth, and been honorably discharged therefrom, and are not entitled to admission to any national soldiers' home, and who are poor and indigent and stand in need of relief, shall raise money by taxation or otherwise, and as further compensation for such service shall under the direction of its mayor and aldermen or selectmen pay to such soldiers or sailors or if deemed best expend therefor, such necessary sum of money as will furnish them reasonable relief or support; and no such soldier or sailor shall be required to receive such relief or support in any almshouse or in any public institution unless he chooses to do so, or his physical or mental condition requires it; and all sums of money so paid out or expended shall be reimbursed by the Commonwealth to such city or town in the manner state aid is now reimbursed. And any such soldier or sailor requiring full support may select the place where he will be supported: *provided*, the cost of such support at the place selected shall not exceed the fair average cost of reasonable support for persons of like degree in life, in such city or town; and any city or town violating any of the provisions of this act shall be liable in an action of con-

Aid for poor soldiers and sailors.

Reimbursement to cities and towns.

tract to any persons furnishing such relief or support, after written notice to such mayor or selectmen that the same is to be furnished.

Surgeon-general
to inquire into
number of sol-
diers and sailors
now receiving
public aid.

SECTION 2. It shall be the duty of the surgeon-general of the Commonwealth to inquire as to the number of indigent soldiers or sailors now receiving public aid throughout the Commonwealth, and include in his next annual report such facts as he may gather in regard to the condition and necessities of such persons.

SECTION 3. This act shall take effect upon its passage.

Approved May 17, 1878.

Chap. 283

AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year:—

Explosive com-
pounds.

In the act, chapter six, relating to the publication of rules to regulate transportation of explosive compounds, a sum not exceeding one hundred dollars.

Probate office in
Suffolk.

In the act, chapter one hundred and nineteen, providing for the appointment of a clerk in the probate office of the county of Suffolk, a sum not exceeding nine hundred dollars.

Town of Hard-
wick.

In the resolve, chapter four, in favor of the town of Hardwick, the sum of four hundred seventeen dollars and eighty-nine cents.

Timothy Mur-
phy.

In the resolve, chapter eight, in favor of Timothy Murphy, a sum not exceeding two hundred dollars.

Idiotic youth.

In the resolve, chapter nine, in favor of the school for idiotic and feeble minded youth, the sum of two thousand five hundred dollars.

John P. Sawin.

In the resolve, chapter ten, in favor of John P. Sawin, a sum not exceeding two hundred dollars.

State archives.

In the resolve, chapter eleven, relating to the indexing of the state archives, a sum not exceeding two thousand five hundred dollars.

Company C.,
Eighth Regi-
ment.

In the resolve, chapter fifteen, in favor of Company C., eighth regiment, Massachusetts volunteer militia, the sum of three hundred dollars.

Eye and Ear In-
firmmary.

In the resolve, chapter sixteen, in favor of the Massachusetts Charitable Eye and Ear Infirmary, the sum of eight thousand dollars.

In the resolve, chapter seventeen, providing for addition-

al buildings for the State Lunatic Hospital at Taunton, a sum not exceeding ten thousand dollars.

Hospital at Taunton.

In the resolve, chapter twenty, reimbursing sundry cities and towns, for payments made on account of rent of armories, a sum not exceeding four thousand four hundred twenty-four dollars and eighty-seven cents.

Rent of armories.

In the resolve, chapter twenty-one, in favor of the Disabled Soldiers' Employment Bureau, the sum of three thousand dollars.

Disabled Soldiers' Employment Bureau.

In the resolve, chapter twenty-two, in favor of discharged female prisoners, the sum of fifteen hundred dollars.

Discharged female prisoners.

In the resolve, chapter twenty-four, in favor of Foster King, the sum of two hundred and twenty-six dollars, in accordance with the provisions of said resolve.

Foster King.

MISCELLANEOUS.

For the salaries of the assistant clerks of the senate and house of representatives, one thousand eight hundred dollars.

Assistant clerks, Senate and House.

For the salary of the private secretary of the governor, two thousand five hundred dollars; and for the salaries of the messengers of the governor and council, one thousand eight hundred dollars.

Governor's private secretary.

For weights, measures, law reports, etc., for the towns of Hampden and North Adams, a sum not exceeding five hundred dollars.

Hampden and North Adams.

For editing the Registration Report, a sum not exceeding five hundred dollars.

Registration.

For "Supplements to the General Statutes," purchased for use of the legislature, under an order thereof, the sum of ninety-nine dollars.

Supplement to General Statutes.

For the purchase of documents for foreign and domestic exchange, a sum not exceeding one hundred dollars.

Documents for exchange.

For the publication of the Provincial Statutes, a sum not exceeding ten thousand dollars.

Provincial Statutes.

For preparing a catalogue of the state library, a sum not exceeding two hundred dollars.

Catalogue State library.

For travelling and contingent expenses of the commissioners on savings banks, a sum not exceeding one thousand dollars, in addition to the appropriation heretofore made for the present year.

Commissioners on savings banks.

For expenses of the board of supervisors of statistics, a sum not exceeding one hundred dollars.

Supervisors of statistics.

For apparatus required by the state inspector of gas and

Inspector of gas.

	gas meters, a sum not exceeding two hundred and forty-eight dollars.
State detectives.	For expenses incurred by the state detective force, during the previous year, a sum not exceeding one hundred twenty-three dollars and forty-two cents.
Back Bay lands.	The residue of the moiety of proceeds of Back Bay lands, applicable to improvements is hereby appropriated in accordance with the Statutes.
Massachusetts Volunteers.	The appropriation heretofore made in aid of Massachusetts volunteers and their families, may be held applicable for the payment of expenses incurred in the adjustment of such accounts.
Town of Mashpee.	For expenses incurred in the construction and repair of roads in the town of Mashpee, a sum not exceeding three hundred dollars.
Massachusetts soldiers in the war of 1812.	For expenses incurred in obtaining and recording evidence of service of Massachusetts men during the war of eighteen hundred and twelve, a sum not exceeding one thousand dollars.
Railroad Commissioners.	For expenses of advertising, incurred by the railroad commissioners, in relation to the transportation of explosive compounds, the sum of sixty-two dollars and seventy cents.
Appropriations made applicable to present year.	The appropriations made in chapter sixty-one, of the resolves of eighteen hundred and seventy-seven, are hereby made applicable to the same purposes for the present year.
Board of education, postage, &c.	For postage, printing and stationery for the board of education, a sum not exceeding five hundred dollars, in addition to the appropriation heretofore made for the present year.
Expenses of agents.	For expenses of the agents of the board of education, a sum not exceeding two hundred dollars, in addition to the appropriation heretofore made for the present year.
Normal School, Framingham.	For furniture, repairs on buildings, and for sewerage at the State Normal School at Framingham, a sum not exceeding five hundred and eighty-eight dollars.
Normal School, Salem.	For sewerage and drainage at the State Normal School at Salem, a sum not exceeding six hundred dollars.
Prison for Women.	For the payment of salaries and wages at the state Prison for Women, a sum not exceeding three thousand dollars, in addition to the appropriation heretofore made for the present year.
Tax commissioner.	For expenses attending appeals by insurance companies from decisions of the tax commissioner, a sum not exceeding three hundred dollars; and for expenses attending the

dissolution of corporations, a sum not exceeding three hundred dollars.

There shall be allowed and paid for expenses attending the recount of votes for sheriff of Hampden county at the last election, a sum not exceeding two hundred and sixty-six dollars and twenty-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

Recount of votes
for sheriff of
Hampden County.

AN ACT IN ADDITION TO "AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES."

Chap. 284

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Appropriations.

The appropriations heretofore made for the pay and expenses of the State Detective Force, are hereby made applicable to such expenses under the provisions of chapter two hundred and forty-two of the acts of the present year.

State detective
force.

In the act, chapter two hundred and forty-eight, entitled "an act in addition to an act to incorporate the town of Mashpee," a sum not exceeding two hundred and fifty dollars.

Town of Mash-
pee.

The appropriations heretofore made for military expenditures during the present year, are hereby made applicable thereto, under the provisions of chapter two hundred and sixty-five of the acts of the present year.

Military expen-
ditures.

In the settlement of the claim of Clapp and Ballou, the balances of the appropriations made for improvements in Boston Harbor the previous year, shall be used; and in the settlement of the claim of Mayo and Baker, the balance of the appropriation for building the prison for women shall be used; and any excess of allowances over said balances, shall be paid from any unappropriated money in the treasury of the Commonwealth.

Clapp and Bal-
lou.

Mayo and Ba-
ker.

In the resolve in favor of Charles Fisher, the sum of one hundred ninety-seven dollars and forty-one cents.

Charles Fisher.

In the resolve, chapter twenty-six, in favor of the Old South Association in Boston, the sum of ten thousand dol-

Old South Asso-
ciation.

In the resolve, chapter twenty-eight, in favor of the

State Primary School.	state primary school at Monson, a sum not exceeding six thousand dollars.
State camp ground.	In the resolve, chapter thirty, providing for the erection of a fence at the state camp ground at Framingham, a sum not exceeding five hundred dollars.
Lists of Massachusetts soldiers.	In the resolve, chapter thirty-nine, authorizing the revision and correction of the list of Massachusetts soldiers who served in the war of the rebellion, a sum not exceeding six hundred and fifty dollars.
Militia regulations.	In the resolve, chapter forty-four, relative to printing code of regulations for the use of militia, a sum not exceeding fifteen hundred dollars.
Doorkeepers and messengers.	For the compensation of doorkeepers, messengers and pages to the legislature, a sum not exceeding ten thousand dollars.
Secretary's department.	For clerical assistance in the secretary's department, a sum not exceeding five hundred dollars.
Auditor's department.	For clerical assistance in the auditor's department, a sum not exceeding four hundred dollars.
General agent of Board of State Charities.	For clerical assistance in the department of the general agent of the board of state charities, a sum not exceeding two thousand dollars.
Visiting agent Board of State Charities.	For expenses in the department of the visiting agent of the board of state charities, a sum not exceeding five hundred dollars.
Catalogue of State library.	For printing the catalogue of the state library, a sum not exceeding three thousand dollars.
Soldiers' burial lot.	For expenses in connection with the soldiers' burial lot at Dedham, a sum not exceeding six hundred dollars.
Printing militia law.	The unexpended balance of the appropriation made for printing the militia law in eighteen hundred and seventy-seven, is hereby made applicable to the same purpose during the present year.
Quartermaster-general.	Any sums of money received under the provisions of section eighty-six of chapter two hundred and sixty-five of the acts of the present year, and from the sale of grass at the state camp ground, may be expended by the quartermaster-general under the direction of the governor and council for the purchase of other military supplies, and for the care and improvement of said camp ground.
Surgeon-general.	For expenses of the surgeon-general's department, a sum not exceeding five hundred dollars.
	The appropriations made in this act, shall be construed to be in addition to the appropriations for the same purposes, heretofore made the present year.
	For the payment of salaries and wages at the reform

school at Westboro, a sum not exceeding five thousand dollars: and for the current expenses of said institution, a sum not exceeding twenty-five hundred dollars.

Reform School,
Westborough.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1878.

RESOLVES, GENERAL AND SPECIAL.

Chap. 1

County taxes
granted.

RESOLVE GRANTING COUNTY TAXES.

Resolved, That the sums placed against the names of the several counties in the following schedule, are granted as a tax for each county, respectively, to be collected and applied according to law:—

Barnstable.— Fourteen thousand dollars.

Berkshire.— Eighty-two thousand dollars.

Bristol.— One hundred and nine thousand dollars.

Dukes.— Seven thousand four hundred dollars.

Essex.— One hundred and seventy thousand dollars.

Franklin.— Twenty-eight thousand dollars.

Hampden.— Eighty thousand dollars.

Hampshire.— Thirty-eight thousand dollars.

Middlesex.— One hundred and fifteen thousand dollars.

Norfolk.— Seventy-seven thousand dollars.

Plymouth.— Fifty thousand dollars.

Worcester.— One hundred and fifty thousand dollars.

Approved March 6, 1878.

Chap. 2

Allowance for
State aid.

RESOLVE IN FAVOR OF ABBY A. DIKE.

Resolved, That there be allowed and paid to Abby A. Dike of Stoneham, widow of the late Captain John H. Dike of Company L, sixth regiment Massachusetts volunteer militia, state aid from December thirty-first in the year eighteen hundred and seventy-five, to the same amount which she would have been entitled to receive if the said John H. Dike had been mustered into the service of the United States prior to the nineteenth day of April in the year eighteen hundred and sixty-one.

Approved March 6, 1878.

RESOLVE IN FAVOR OF COMPANY C., EIGHTH REGIMENT, MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 3

Resolved, That there be allowed and paid, and the same is hereby appropriated, a sum not exceeding seventy-eight dollars and forty cents, to Company C., of the eighth regiment, Massachusetts volunteer militia, in compensation for services rendered at the conflagration in Marblehead on the twenty-fifth day of June eighteen hundred and seventy-seven.

Approved March 7, 1878.

Allowance to Company C., Eighth Regiment, Massachusetts Volunteer Militia.

RESOLVE IN FAVOR OF THE TOWN OF HARDWICK.

Chap. 4

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the town of Hardwick, the sum of four hundred and seventeen dollars and eighty-nine cents, in reimbursement of taxes retained in the treasury of the Commonwealth on certain bank stocks owned in said town.

Approved March 13, 1878.

Allowance to town of Hardwick.

RESOLVE TO AMEND A RESOLVE IN RELATION TO THE ANTIETAM CEMETERY IN THE STATE OF MARYLAND.

Chap. 5

Resolved, That chapter sixty-three of the resolves of the year eighteen hundred and seventy-seven, in relation to the Antietam Cemetery in the state of Maryland, is amended by striking out the following words, to wit:—"whenever it shall appear to him that the fee and ownership of said cemetery are duly vested in the United States."

Approved March 29, 1878.

Amendment to Resolve 1867, 63.

RESOLVE RELATING TO THE CONTRACT FOR THE STATE PRINTING.

Chap. 6

Resolved, That for the purpose of removing a doubt now existing as to the proper construction of a certain clause of the contract now existing between the Commonwealth and George C. Rand, Abraham Avery, Samuel Johnson, John C. Rand and Avery L. Rand, the secretary of the Commonwealth be authorized, in behalf of the Commonwealth, to enter into a written agreement with said George C. Rand and others, to which they shall be parties, to the effect that "office blank books," referred to in said contract, shall not be taken to include books containing printed matter beyond the paging, headings or other matter usually contained in ordinary blank books prepared for miscellaneous use or sale.

Approved March 29, 1878.

Contract for State printing.

RESOLVE IN FAVOR OF THE TOWN OF SWAMPSCOTT.

Chap. 7

Resolved, That out of the Massachusetts school fund there be allowed and paid to the town of Swampscott two

Allowance to town of Swampscott.

hundred and eight dollars and eighty-three cents, being its share of the income of said school fund for the year eighteen hundred and seventy-five.

Approved March 30, 1878.

Chap. 8

Annuity to Timothy Murphy.

RESOLVE IN FAVOR OF TIMOTHY MURPHY.

Resolved, That during the period of five years from the first day of January in the year eighteen hundred and seventy-eight, an annuity of two hundred dollars be allowed and paid from the treasury of the Commonwealth to Timothy Murphy, in equal quarterly payments, as state aid.

Approved April 4, 1878.

Chap. 9

Allowance to School for Feeble Minded Youth.

RESOLVE IN FAVOR OF THE MASSACHUSETTS SCHOOL FOR IDIOTIC AND FEEBLE MINDED YOUTH.

Resolved, That there be allowed and paid out of the treasury to the Massachusetts School for Idiotic and Feeble Minded Youth, the sum of twenty-five hundred dollars, to meet the wants of the school in its current and necessary expenses.

Approved April 4, 1878.

Chap. 10

Annuity to John P. Sawin.

RESOLVE IN FAVOR OF JOHN P. SAWIN.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to John P. Sawin, of Boston, an annuity of two hundred dollars for the term of five years, as state aid, from the first day of January in the year eighteen hundred and seventy-eight, payable in equal quarter-yearly instalments.

Approved April 4, 1878.

Chap. 11

Indexing State archives.

RESOLVE IN ADDITION TO A RESOLVE RELATING TO THE INDEXING OF THE STATE ARCHIVES.

Resolved, That instead of the three additional clerks authorized by chapter fifty-seven of the Resolves of the year eighteen hundred and seventy-seven, the secretary of the Commonwealth is authorized to employ two clerks for the performance of the work therein provided for; one at a compensation not exceeding thirteen hundred dollars per annum, and one at a compensation not exceeding twelve hundred dollars per annum, the same to commence January first, eighteen hundred seventy-eight.

Approved April 4, 1878.

Chap. 12

To investigate concerning work performed at penal institutions, and re-

RESOLVE RELATIVE TO LABOR IN STATE INSTITUTIONS.

Resolved, That the Bureau of Statistics of Labor is hereby authorized to make a full investigation as to the kind and amount, of work performed at the penal institutions of

this state, and as to all the facts pertaining to the same; and to recommend such legislation, if any, as is advisable to prevent competition between said labor and the other industries of this state; and to report the same to the next general court.

Approved April 6, 1878.

port to legisla-
ture.

RESOLVE IN FAVOR OF THE COMMISSIONERS ON CONTAGIOUS
DISEASES AMONG CATTLE.

Chap. 13

Resolved, That the sum of two hundred and fifty dollars be appropriated for the use of the commissioners on contagious diseases among cattle, for the year eighteen hundred and seventy-eight.

Approved April 6, 1878.

Appropriation
for cattle com-
missioners.

RESOLVE IN FAVOR OF GEORGE WHITE.

Chap. 14

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George White, probate judge of Norfolk County, the sum of one hundred and ninety-three dollars and fifty-five cents, for performing the duties of probate judge of Suffolk County during the vacancy caused by the death of Isaac Ames, probate judge of said Suffolk County, and before the appointment of his successor in the month of March in the year eighteen hundred and seventy-seven.

Approved April 9, 1878.

Allowance to
George White,
judge of pro-
bate.

RESOLVE IN FAVOR OF COMPANY C., EIGHTH REGIMENT MASSA-
CHUSETTS VOLUNTEER MILITIA.

Chap. 15

Resolved, That there be allowed and paid to Company C., eighth regiment Massachusetts volunteer militia, the sum of three hundred dollars, in full for losses incurred in saving the property of the Commonwealth at the fire in Marblehead in the year eighteen hundred and seventy-seven.

Approved April 10, 1878.

Allowance to
Company C.,
Eighth Regi-
ment, Massa-
chusetts Volun-
teer Militia.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE
AND EAR INFIRMARY.

Chap. 16

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eight thousand dollars to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof, for the charitable purposes of said infirmary for the present year; and the said managers shall report to the board of state charities, as required by chapter two hundred and forty-three of the Acts of the year eighteen hundred and sixty-seven.

Approved April 10, 1878.

Allowance to
Eye and Ear In-
firmary.

Chap. 17 RESOLVE PROVIDING FOR ADDITIONAL BUILDINGS FOR THE STATE LUNATIC HOSPITAL AT TAUNTON.

Additional building for lunatic hospital at Taunton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, a sum not exceeding ten thousand dollars, to be expended by the trustees of the State Lunatic Hospital at Taunton, for the purpose of constructing a building for laundry purposes and furnishing the same, at said institution: *provided*, that work shall not be begun on the same until proper plans of said building and the cost of its erection are submitted to and receive the approval of the governor and council.

Approved April 13, 1878.

Chap. 18 RESOLVE IN FAVOR OF CHESTER C. CONANT.

Allowance to Chester C. Conant, judge of probate.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Chester C. Conant, for services as judge of probate for Hampshire County, for and during the time that the service is performed, the same amount as is now provided by law for the services of probate judge of Hampshire County.

Approved April 13, 1878.

Chap. 19 RESOLVE IN FAVOR OF REBECCA E. LIBBY.

Allowance to Rebecca E. Libby.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Rebecca E. Libby, state aid to the amount of four dollars per month, from and after the first day of January in the year eighteen hundred and seventy-eight.

Approved April 13, 1878.

Chap. 20 RESOLVE REIMBURSING SUNDRY CITIES AND TOWNS FOR PAYMENTS MADE ON ACCOUNT OF RENT OF ARMORIES.

Reimbursements to cities and towns of payments made for rent of armories.

Resolved, That there be allowed and paid from the treasury of the Commonwealth to the following cities and towns the sums herein below set against their names, in reimbursement of payments made for rent of armories previous to January first eighteen hundred and seventy-eight, to wit:—

Ashburnham.—Sixty-six dollars and thirty-five cents.

Beverly.—One hundred and thirty-two dollars and sixty-five cents.

Concord.—Seventy-five dollars and eighty cents.

Fitchburg.—Nine hundred and six dollars and seventy cents.

Gloucester.—Two hundred and fifty-one dollars and sixty cents.

Haverhill. — One hundred and eighty-nine dollars and fifty cents.

Lowell. — Eight hundred and ninety-six dollars and ninety-seven cents.

Leominster. — One hundred and thirteen dollars and seventy cents.

Medford. — One hundred and thirty-two dollars and seventy cents.

Millbury. — One hundred and three dollars and ten cents.

Marlborough. — Two hundred and twenty-seven dollars and forty cents.

Newburyport. — Two hundred and twenty-seven dollars and forty cents.

Plymouth. — One hundred and thirty-two dollars and sixty-five cents.

Springfield. — Five hundred and thirty-two dollars and fifty cents.

Taunton. — Two hundred and twenty-seven dollars and forty cents.

Westford. — Fifty-six dollars and eighty-five cents.

Wakefield. — One hundred and fifty-one dollars and sixty cents.

Approved April 17, 1878.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Chap. 21

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, the sum of three thousand dollars, to the treasurer of the Disabled Soldiers' Employment Bureau, in aid of said bureau.

Soldiers' Employment Bureau.

Approved April 20, 1878.

RESOLVE IN FAVOR OF DISCHARGED FEMALE PRISONERS.

Chap. 22

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the advisory board of overseers to prisons, a sum not exceeding fifteen hundred dollars, for the purpose of aiding discharged female prisoners, in the same manner as provided for discharged convicts under section sixty-six of chapter one hundred and seventy-nine of the General Statutes; said sum to be payable upon proper vouchers filed with the state auditor; and the said advisory board shall render on or before the fifteenth day of October a detailed report to the governor and council of the expenditure of the sum hereby granted.

Allowance for aiding discharged female prisoners.

Approved April 23, 1878.

Chap. 23 RESOLVE RELATIVE TO THE DISTRIBUTION OF CERTAIN PUBLIC DOCUMENTS.

Distribution of
public docu-
ments.

Resolved, That of public documents now on sale in the office of the secretary of the Commonwealth there be distributed forthwith equally among the members of the legislature for the use of their constituents, fourteen hundred copies of the Report of the Secretary of the Board of Education, fourteen hundred copies of the Report of the Railroad Commissioners, fourteen hundred copies of the Report of the Secretary of the Board of Agriculture, eight hundred and forty copies of the Manual, and two hundred and eighty copies of the Report of the Secretary of the Board of State Charities; and that there be transferred to the office of the secretary of the Board of State Charities one hundred and fifty copies of his last annual report.

Approved April 23, 1878.

Chap. 24

Allowance to
Foster King.

RESOLVE IN FAVOR OF FOSTER KING.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Foster King, the sum of two hundred and twenty-six dollars, for compensation for work done upon and for damages caused by the construction of the Troy and Greenfield Railroad: *provided*, that the said sum shall be accepted by said King in full settlement of all demands against the Commonwealth.

Approved April 23, 1878.

Chap. 25 RESOLVE CONCERNING THE LANDS OF THE COMMONWEALTH IN CHARLES RIVER.

Harbor lines in
Charles River
Basin.

Resolved, That the Land Commissioners are hereby authorized to apply to the Harbor Commissioners for a revision of the harbor lines in Charles River Basin, so called; and said Land Commissioners are hereby placed in charge of the lands belonging to the Commonwealth in Charles River above Canal Bridge, so called, and within the harbor lines as they now are or hereafter shall be established, subject to all general laws relating to lands under tide water; and said Land Commissioners may make contracts for the filling, use, sale or other disposition of said lands, subject to the approval of the governor and council, and subject to the provisions of section eight of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five.

Approved April 26, 1878.

RESOLVE IN FAVOR OF THE OLD SOUTH ASSOCIATION IN BOSTON. *Chap. 26*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the Old South Association in Boston, incorporated by chapter two hundred and twenty-two of the acts of the year eighteen hundred and seventy-seven, the sum of ten thousand dollars; the same to be used and applied for the preservation of the Old South Meeting House in Boston: payable only on satisfactory evidence furnished to the governor and council that a sum has been received from other sources which together with this amount shall be sufficient to give to this association a complete title to said meeting house and the land connected therewith, free from all debt or incumbrance. This grant is made upon condition that the free use of said meeting house shall be given to the legislature whenever requested for the preaching of the annual election sermon.

Allowance to
Old South As-
sociation in Bos-
ton.

Approved May 4, 1878.

RESOLVE IN FAVOR OF THE PILGRIM SOCIETY OF PLYMOUTH.

Chap. 27

Resolved, That the sum of ten thousand dollars be and the same is hereby appropriated, to aid in the completion of the National Monument to the Forefathers of this Commonwealth, now being erected at Plymouth, the same to be devoted to procuring and paying for the statue of "Morality," as shown upon the design adopted by said society. The governor with the advice and consent of the council is hereby authorized to draw his warrant for said sum in favor of said society or such officer thereof as he may deem best.

Allowance for
completion of
monument at
Plymouth.

Approved May 4, 1878.

RESOLVE IN FAVOR OF THE STATE PRIMARY SCHOOL AT MONSON.

Chap. 28

Resolved, That there be allowed and paid out of the treasury a sum not exceeding six thousand dollars, to be expended by the inspectors of the State Primary School at Monson, as follows:—Five thousand dollars thereof for necessary repairs and alterations on the buildings and premises; and one thousand dollars thereof for school furniture, books and apparatus.

Allowance to
State Primary
School at Mon-
son.

Approved May 6, 1878.

RESOLVE RELATING TO THE REFORMATORY PRISON FOR WOMEN.

Chap. 29

Resolved, That the sums hereinafter named be allowed and paid out of the treasury of the Commonwealth for the following purposes:—For furniture for the Reformatory Prison for Women, a sum not exceeding twenty-five hundred dollars. For a house containing two tenements, for the occupancy of the engineer and other male employés

Reformatory
prison for wo-
men.

at said prison, a sum not exceeding two thousand five hundred dollars. For the fitting of cells, a sum not exceeding five hundred dollars. For the current expenses of said prison, a sum in addition to other appropriations therefor, not exceeding twenty-five hundred dollars. For iron gratings to windows, a sum not exceeding nineteen hundred dollars. For draining and otherwise improving the grounds belonging to said prison, a sum not exceeding two thousand dollars. For the purchase of land adjoining the grounds of the prison and lying between said grounds and the village of South Framingham, the sum of sixteen hundred dollars; and the governor and council are hereby authorized to purchase the same, if they consider it desirable and expedient: *provided*, the purchase shall be made at a price not exceeding two hundred dollars per acre. Said sums herein authorized to be expended by the commissioners of prisons and are hereby appropriated; *provided*, that the amounts designated for the fitting of cells and for iron gratings to windows shall be paid from the unexpended balance of the appropriation for construction, if any remains; otherwise out of the treasury of the Commonwealth.

Money to be expended by commissioners.

Proviso.

Approved May 8, 1878.

Chap. 30 RESOLVE TO PROVIDE FOR THE ERECTION OF A FENCE AT THE STATE CAMP GROUND AT FRAMINGHAM.

Fence at camp ground at Framingham.

Resolved, That a sum not exceeding three hundred dollars be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for the erection of a fence at the state camp ground in Framingham.

Approved May 8, 1878.

Chap. 31 RESOLVE TO PROVIDE FOR THE PURCHASE OF KNAPSACKS FOR ISSUE TO THE MILITIA.

Appropriation for knapsacks for the militia.

Resolved, That a sum not exceeding five thousand dollars be allowed and paid out of the treasury of the Commonwealth, and the same is hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for the purchase of knapsacks for issue to the militia.

Approved May 8, 1878.

Chap. 32 RESOLVE TO PROVIDE FOR THE REPAIRS OF BUILDINGS AT THE STATE CAMP GROUND AT FRAMINGHAM, AND AT THE ARSENAL GROUNDS AT CAMBRIDGE.

Repairs of buildings at camp

Resolved, That a sum not exceeding thirteen hundred dollars be allowed and paid out of the treasury of the Com-

monwealth, and the same is hereby appropriated, to be expended under the direction of the quartermaster-general, with the approval of the governor and council, for the repairs of buildings at the state camp ground at Framingham, and at the arsenal grounds at Cambridge.

ground and arsenal.

Approved May 8, 1878.

RESOLVE IN RELATION TO THE NEW STATE PRISON AT CONCORD.

Chap. 33

Resolved, That there be allowed and paid out of the treasury, and the same is hereby appropriated: — For beds for convicts, a sum not exceeding six thousand eight hundred dollars. For the removal of convicts to Concord, and of the state property, officers' furniture and other expenses incidental thereto, a sum not exceeding two thousand dollars. For furnishing offices at new prison, a sum not exceeding fifteen hundred dollars. For fencing and other incidental improvements for twenty houses, a sum not exceeding five hundred dollars. For carpeting warden's and deputy warden's houses, a sum not exceeding twelve hundred dollars. For building piggery, coal shed and other needful structures, a sum not exceeding two thousand five hundred dollars. For lumber for fencing around stable and for other necessary purposes, a sum not exceeding two thousand five hundred dollars. For stone for walls and edge stone for walks, a sum not exceeding one thousand dollars; said sums to be expended under the direction of the inspectors of the state prison: *provided*, that the amounts herein appropriated shall be paid from the unexpended balance of the appropriation for the construction of said prison if any; otherwise out of the treasury of the Commonwealth.

Appropriation for new State prison at Concord.

Approved May 8, 1878.

RESOLVE PROVIDING FOR THE EXPENSE OF ENFORCING THE PROVISIONS OF LAW IN RELATION TO GREEN HARBOR MARSH IN MARSHFIELD.

Chap. 34

Resolved, That there be allowed and paid out of the treasury a sum not exceeding two thousand dollars, to be expended under the direction of the attorney-general, for the purpose of enforcing the provisions of chapter three hundred and three of the acts of the year eighteen hundred and seventy-one, in relation to Green Harbor marsh in Marshfield, and the same is hereby appropriated; said appropriation to be payable upon properly approved vouchers filed with the auditor.

Appropriation in relation to Green Harbor marsh in Marshfield.

Approved May 9, 1878.

Chap. 35 RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN ANTICIPATION OF THE REVENUE.

Treasurer may borrow money in anticipation of the revenue.

Resolved, That the treasurer and receiver-general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve, as soon as money sufficient for the purpose and not otherwise appropriated, shall be received into the treasury.

Approved May 11, 1878.

Chap. 36 RESOLVE CONCERNING THE OLD STATE PRISON BUILDINGS AND LAND.

Old State prison buildings in charge of governor and council.

Resolved, That the governor and council are hereby authorized to take possession of the old state prison buildings and land at Charlestown, as soon as vacated for prison purposes, and all other land, flats and buildings connected therewith belonging to the Commonwealth, and to make such disposition of the same by lease, sale or otherwise as they may deem for the best interest of the Commonwealth.

Approved May 15, 1878.

Chap. 37 RESOLVE AUTHORIZING THE PRINTING AND DISTRIBUTION OF ADDITIONAL COPIES OF THE REPORT OF THE SECRETARY OF THE BOARD OF AGRICULTURE.

Report of the secretary of board of agriculture.

Resolved, That there be stereotyped and printed an additional number, not exceeding two thousand copies, of the last annual report of the secretary of the board of agriculture, to be distributed equally among the members of the present legislature, without charge; and that the expense thereof be paid out of the treasury of the Commonwealth.

Approved May 16, 1878.

Chap. 38 RESOLVE PROVIDING FOR THE PAYMENT OF EXPENSES INCURRED IN CONNECTION WITH CERTAIN LANDS IN THE TOWN OF MASHPEE.

Appropriation for commissioners for partition of lands in Mashpee.

Resolved, That there be allowed and paid from the treasury of the Commonwealth, to the parties whose names are hereunto attached, the same to be in full for all services and expenses as commissioners appointed under authority of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, relating to the partition of and sale of certain lands in the town of Mashpee, a

sum not exceeding fifteen thousand six hundred eighty-five dollars and ninety cents, in full therefor; and the same is hereby appropriated in manner following, viz.: — To Wendell H. Cobb, for services and expenses as commissioner, seventeen hundred seventy-eight dollars, fifty cents: To Cyrus Cahoon, for services, expenses and horse hire as commissioner, eight thousand three hundred thirty-seven dollars, fifteen cents: To Asa E. Lovell, for services and expenses as commissioner, five thousand five hundred seventy dollars, twenty-five cents.

Approved May 16, 1878.

RESOLVES AUTHORIZING THE REVISION AND CORRECTION OF THE LIST OF MASSACHUSETTS SOLDIERS WHO SERVED IN THE WAR OF THE REBELLION.

Chap. 39

Resolved, That the adjutant-general be authorized to revise and correct the list of Massachusetts officers and soldiers, the publication of which was authorized by chapter ninety-eight of the Resolves of eighteen hundred and sixty-six, and to arrange the same alphabetically, giving the name of each officer and soldier, with the company and regiment to which he belonged: *provided*, that no authority is hereby given to cause said list or any part thereof to be printed.

Lists of soldiers and sailors to be arranged alphabetically.

Resolved, That the adjutant-general be instructed to correct all important errors in the Record of Massachusetts Volunteers, prepared by order of the general court of the year eighteen hundred and sixty-six, and to cause to be printed five thousand copies of sheets containing such corrections, in a form suitable for insertion in the volumes of records heretofore published, and to send one copy of said sheet to each city, town and public library, in the Commonwealth, and to each person to whom the volumes were originally distributed, or who is known to have a copy in his possession, with the request that the same be inserted in said volumes of records. The surplus of said sheets remaining after the distribution above provided for, shall be kept in the adjutant-general's office for the gratuitous delivery of one copy to any person possessing a copy of said volumes who may apply for the same.

Errors to be corrected.

Distribution.

Approved May 16, 1878.

RESOLVE RELATIVE TO THE DISTRIBUTION OF CERTAIN REPORTS.

Chap. 40

Resolved, That of the copies of the reports which by section five of chapter two hundred and forty-eight of

Distribution of certain reports.

the acts of the year eighteen hundred and seventy-seven are to be printed and sold under the direction of the secretary of the Commonwealth, there be distributed equally among the members of the present legislature, for the use of their constituents, fourteen hundred copies of the report of the board of health, eight hundred and forty copies of the report of the bureau of statistics of labor, eight hundred and forty copies of the adjutant-general's report, fourteen hundred copies each of the reports on fire and life insurance, and fourteen hundred copies of the "Blue Book" for eighteen hundred and seventy-eight.

Approved May 16, 1878.

Chap. 41 RESOLVE AUTHORIZING THE ISSUE OF ARMS TO TUFTS COLLEGE.

Arms may be issued to Tufts College.

Resolved, That the governor be and he is hereby authorized to issue to the president and trustees of Tufts College, such arms and accoutrements for the use of the college, as in his judgment may be so distributed without detriment to the militia service, and without expense to the state: *provided*, that the corporation shall be held responsible for the return of said arms and accoutrements, in good order and condition, whenever the governor shall so direct.

Approved May 16, 1878.

Chap. 42 RESOLVE IN FAVOR OF THE STATE LUNATIC HOSPITAL AT DANVERS.

Appropriation for lunatic hospital at Danvers.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the trustees of the state lunatic hospital at Danvers, a sum not exceeding nine thousand dollars, for expenses already incurred on said hospital buildings and grounds; a sum not exceeding five thousand dollars, to be expended for painting and pointing buildings; a sum not exceeding twenty-five hundred dollars, to be expended for piggery and corn barn; a sum not exceeding five hundred dollars, to be expended for drain tile for sewerage; and a sum not exceeding three thousand dollars, to be expended for other necessary repairs on said buildings or in aid of the above specified improvements and repairs, and for no other purpose: *provided*, that the amounts herein appropriated shall be paid from any unexpended balances of the appropriations for construction or furnishing, if any such balances exist; otherwise from the treasury of the Commonwealth.

Approved May 17, 1878.

RESOLVE IN RELATION TO IMPROVEMENTS AND REPAIRS OF THE
STATE HOUSE.

Chap. 43

Resolved, That the governor and council be requested to examine the subject of additional accommodations for state commissions and for committees of the legislature, by an enlargement of or addition to the state house, or otherwise; and to present their views and recommendations to the next general court.

Enlargement of
the State House.*Approved May 17, 1878.*RESOLVE RELATIVE TO THE PRINTING AND ISSUE OF THE CODE
OF REGULATIONS FOR THE MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 44

Resolved, That the state printers be authorized to print and furnish to the adjutant-general, for issue to the militia of the Commonwealth, one thousand copies of the code of regulations for the Massachusetts volunteer militia, recently completed by the board of military officers appointed for that purpose in the year one thousand eight hundred and seventy-six. And the state printers are authorized in behalf of the Commonwealth to copyright said code of regulations, to stereotype the same, and to furnish from time to time, such additional copies to the public as may be required, at the actual cost thereof.

Regulations for
the Volunteer
Militia to be
printed.*Approved May 17, 1878.*

RESOLVE IN FAVOR OF CHARLES FISHER OF WESTPORT.

Chap. 45

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to Charles Fisher of Westport, the sum of one hundred ninety-seven dollars and forty-one cents, for compensation as a member of the house of representatives from the beginning of the present session to the eleventh day of February.

Allowance to
Charles Fisher
of Westport.*Approved May 17, 1878.*

RESOLVE PROVIDING FOR REPAIRS ON THE STATE HOUSE.

Chap. 46

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding twenty-five hundred dollars, for repairs and improvements on the state house, to be expended by the sergeant-at-arms, under the direction and with the approval of the commissioners on the state house, and the same is hereby appropriated.

Repairs and im-
provements at
State House.*Approved May 17, 1878.*RESOLVE RELATIVE TO THE CLAIM OF AMAZIAH MAYO AND GEORGE
G. BAKER, FOR THE CONSTRUCTION OF THE REFORMATORY PRISON
FOR WOMEN AT SHERBORN.

Chap. 47

Resolved, That all matters of dispute between the Commonwealth and Amaziah Mayo and George G. Baker, con-

Claims to be
submitted to ar-
bitration.

tractors, relative to building the reformatory prison for women at Sherborn, be referred to three arbitrators, to be mutually agreed upon by the governor and council and said Mayo and Baker, and the unanimous decision of said arbitrators shall be final. The compensation of said arbitrators, together with the other necessary costs and expenses of said reference except counsel fees, shall be paid by the Commonwealth or by said contractors, or by both said parties, in such manner and proportion as said arbitrators shall decide just and equitable; and the governor may draw his warrants for the amount, if any, found due to said contractors, and for the amount, if any, to be paid by the Commonwealth, subject to the approval of the governor and council, as costs and expenses under the decision of said arbitrators; and such amounts are hereby appropriated to be paid from the treasury.

Approved May 17, 1878.

Chap. 48

Allowance of
\$1,000 to Thom-
as Cahill.

RESOLVE IN FAVOR OF THOMAS CAHILL.

Resolved, That the sum of one thousand dollars be allowed to Thomas Cahill, to defray the expense of his return to Ireland, and to reimburse him for expenses incurred by him and in his behalf, and the same is hereby appropriated; said sum to be placed in the hands, and at the disposal of the governor, to be by him paid to said Cahill, in such manner as in his judgment will best secure to said Cahill the full benefit of the money. *Approved May 17, 1878.*

The General Court of 1878, during its annual session, passed two hundred and eighty-four Acts and forty-eight Resolves, all of which received the approval of His Excellency the Governor.

The General Court of 1878 was prorogued on Friday, May 17, the session having occupied one hundred and thirty-six days.

[The Resolve providing for an Amendment to the Constitution to permit the division of towns into Election Districts, which was agreed to by the General Court of the year 1877, in the manner provided by the Constitution, was not agreed to by the General Court of 1878.]

INAUGURAL ADDRESS

OF

HIS EXCELLENCY ALEXANDER H. RICE.

At twelve and a half o'clock on Thursday, the third day of January, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the Senate and House of Representatives, in Convention, and delivered the following —

ADDRESS.

*Gentlemen of the Senate**and of the House of Representatives.*

With profound gratitude to the Father of nations and of men for the benefactions of the year just closed, and in the hope of His continued loving-kindness to our beloved Commonwealth, I give you a cordial greeting to the duties and responsibilities on her behalf which have called us together to-day.

A survey of her outward relations and of her internal condition exhibits the same inflexible devotion to the cardinal doctrines of freedom and justice, the same energy, honesty, and enterprise of her people, and the same loyalty to the highest interests of the nation and of mankind, which have thrown the lustre of a great renown around the name of Massachusetts in every period of her history.

A republican form of government returns, at short intervals, to the popular suffrage all the authority which its officers and representatives hold for making and executing its laws; and the decision of that tribunal is generally

received as the current test of the public judgment upon the merits of every administration. If those of us who have already been honored with these great trusts have merited the approval which the recent election indicated, we shall also unite in grateful acknowledgment to the people of the Commonwealth for this generous testimony, and find in it new incentives to a vigorous, honest, and patriotic devotion to the duties and interests renewedly committed to our care.

While it may not be disputed that both the theory of our government and the purity of its administration require the frequent return to the popular suffrage of the authority thus delegated to the executive and legislative departments, it may be equally consistent with the public safety that the measure of this frequency shall depend somewhat upon the character of the population, the maturity of civilization in a State, and upon considerations of public convenience and economy. With a present population of more than sixteen hundred thousand people in Massachusetts, largely inheriting the principles and traditions of intelligent and virtuous ancestry, with the institutions of the State well established, its civil policy substantially settled, and its laws matured and tested through the experience of more than two centuries, it may be worthy of consideration whether a constitutional amendment to prolong the tenure of the executive and legislative offices of the government is not now expedient, and likely to be highly beneficial.

It is impossible, and would under any circumstances be undesirable, that the election of the principal officers in the government of any State should fail to create more or less popular excitement; but it must also draw large classes for a time away from the common pursuits of life, incur expense of time and money, and, by too frequent recurrence, throw into the whole matter of government the association of chances and instability. It may also be feared that measures of public policy wisely determined, but difficult of immediate comprehension by the people at large, are sometimes submitted to popular approval before they have been either intelligently understood, or their merits practically tested. A prolongation of the term of office would help largely to overcome the evils arising from haste and inexperience in public affairs, and would bring us into conformity, in this particular, with other populous States whose laws and practice have seemed to justify such a tenure. In recommending for your consideration the necessary provision for a tenure of two and three years for

the House of Representatives and the Senate respectively, and of three or four for the Executive of the Commonwealth. I do so with the greater freedom, because of my own final retirement from this office at the close of the present year.

I am disposed to go even farther, and to recommend that there shall be only biennial sessions of the legislature, and to advocate a corresponding increase in the tenure of office for the members of the respective branches. Such a change would not only secure still greater economic advantage, but would, I believe, prevent much of the evil of special and temporary legislation, and strongly tend to embody all needful enactments in general laws, which would be better obeyed because they would be better understood, and to which all the purposes and interests of the people would conform with greater assurance of stability.

FINANCES.

The credit of the State still maintains, through all the vicissitudes and fluctuations of currency and trade, the unshaken confidence of capitalists throughout the world: and although the present condition of our finances fully warrants the belief, that, with wise and economic legislation, the prosperity and welfare of our people will be maintained without onerous pecuniary burdens, yet injudicious and unnecessary expenditure, and consequent increase of public indebtedness, are matters to be carefully avoided.

The State has now no temporary loans to provide for: nor has it any funded liabilities for whose liquidation sinking-funds have not been established. These funds, with their accumulations from investment, and from resources set apart for their endowment, have been deemed ample for the retirement of the whole present debt at maturity, no important instalment of which falls due prior to 1883, and none between that and the year 1888.

The only contingency liable to impair the basis of liquidation, as computed and graded in the establishment of the several sinking-funds, will accrue mainly, if at all, from the compulsory loan or investment of unfunded accumulations at lower rates of interest. But it is hoped that any deficit likely to arise from this cause will be substantially overcome by income from other sources.

The sinking-funds as they now stand, with their present rate of increase from interest alone, will pay every instalment of the funded debt maturing prior to 1895, with the

exception of a comparatively small portion of the amount then due. In this estimate, no account is made of contributions from sales of public lands, or from other resources assigned by law for this purpose; but it is assumed that the surplus of any fund may be transferred by legislative sanction to meet any deficit in others.

The total debt of the State, for which its bonds or certificates of indebtedness are outstanding, is shown in the following exhibit:—

Amount Jan. 1, 1877 \$33,550,464 00

ADDITIONS DURING THE YEAR.

Troy and Greenfield Railroad Loan	\$370,000 00	
Danvers Hospital Loan	150,000 00	
		<u>520,000 00</u>
Total		\$34,070,464 00

MATURED AND PAID.

Norwich & Worcester Railroad Loan	\$400,000 00	
Union Fund Loan of 1862	400,000 00	
Northampton Lunatic Hospital Loan	50,000 00	
		<u>850,000 00</u>
Amount outstanding Jan. 1, 1878		<u>\$33,220,464 00</u>

PRESENT CLASSIFICATION.

Railroad Loans	\$17,738,996 00	
War Loans	10,668,188 00	
Ordinary Loans	4,813,280 00	
		<u>\$33,220,464 00</u>
Showing a reduction in 1877 of		330,000 00

Of the loans retired during the past year, the Norwich and Worcester Railroad Loan covered the original amount issued in aid of that corporation in 1837, and renewed in 1857; and that paid on account of the Northampton Lunatic Hospital was the last instalment of the loan negotiated in 1857 for the establishment of that institution.

The balance of the Union Fund Loan of 1862, amounting to \$200,000, will mature the present year, and be paid from its own sinking-fund. No other instalment of the existing debt will mature till 1880, when about an equal amount will fall due.

The continued and substantial reduction in the expenditures of the State furnishes gratifying evidence of increas-

ing economy in legislative and departmental administration. The ordinary expenses of the government for the year 1877, as far as ascertained from actual payment and careful estimate, indicate a decrease of \$100,000 from 1876, and an aggregate reduction of \$200,000 since 1875. The exceptional expenditures exhibit a very much larger reduction during the two years referred to; while the aggregate decrease in both classifications will be nearly \$1,000,000.

The estimated expenses for 1878 show a still further reduction; although the appropriations called for are, in some instances, in excess of those granted in 1877. It is believed, however, that the estimated decrease will be successfully realized, unless overcome by special legislative grants.

The following estimates are made for the current year:—

Payments from revenue, ordinary and exceptional	\$1,543,000 00
Ordinary revenue of the year, including revenue cash on hand	\$1,120,695 00

As these estimates are necessarily predicated upon the receipts and expenditures accruing and authorized under existing laws, they will, of course, be changed by any new or special legislation. But in order to meet the probable deficit as thereby indicated, and supply the wants of the treasury in anticipation of the revenues of 1879, a State tax of \$1,000,000 will be required. The amount here stated will be a reduction of \$500,000 from the tax of 1877, and an aggregate reduction of \$1,000,000 since the year 1875.

The results set forth in this exhibit can scarcely fail to inspire satisfaction and encouragement in the present and prospective monetary interests of the Commonwealth. With the steady reduction of the public debt and expenditure, with the growing tendency to economy and retrenchment, with an unimpaired credit at home and abroad, and an effectual provision for the payment of outstanding indebtedness without resort to taxation, no pecuniary embarrassment on account of the public service can possibly become oppressive to the people.

VALUATION.

From the statements of local assessors upon the valuation of the real and personal property in the several cities

and towns of the Commonwealth, returned to the office of the Secretary of State, it appears that the decline which began at the close of the year 1875, and which amounted to nearly \$71,000,000 in 1876, has, contrary to expectation, continued to increase, and for the year 1877 amounts to no less than \$101,082,773; making a total reduction, in these two years, of \$172,245,919.

It may be remembered that the statement presented last year showed an increase in the value of the same species of property in the year 1872, amounting to 199,921,711; and the inflated valuations of the three following years swelled this amount to the large sum of \$344,054,443 for the four years from 1872 to 1875 inclusive. It therefore appears that the reductions of the last two years amount to but about one-half the sum of the increase of the preceding four years, leaving the present valuation \$172,028,529 above what it was in 1871.

The following table exhibits these results:—

1872, Real and personal property, gain	.	.	.	\$199,921,711
1873, Real and personal property, gain	.	.	.	66,830,021
1874, Real and personal property, gain	.	.	.	68,171,175
1875, Real and personal property, gain	.	.	.	9,131,541
				<hr/>
			Gain	\$344,054,448
1876, Do. do. loss	.	.	.	\$70,943,146
1877, Do. do. loss	.	.	.	101,082,773
				<hr/>
				172,025,919
				<hr/>
Present valuation above that of 1871	.	.	.	\$172,028,529

Of the reduction of last year, \$70,643,098 was upon real estate, and \$30,439,675 on personal; and, of the total decline, \$88,291,557 was in the cities (upwards of \$60,000,000 being in Boston). Only three cities showed an increase of valuation: namely, Haverhill, \$18,716; Gloucester, \$234,654; and Lowell, \$9,268.

Whether there shall be a further reduction hereafter, it is impossible to foretell: but with the currency of the country now very near to a par value with gold, and with our industries measurably prosperous, and considering the actual increase of values during the last six years, it is probable that the future changes will be less rapid and less important; and there is also no reason to believe that our past experience in this particular has been exceptional.

TAXATION.

In turning to the tax-levy, we find, that, notwithstanding the reduction of values, there is also a decline in the taxes imposed, and though not so great in proportion as during the previous year, still large enough to show that the tide has turned, and that the people are practising economy in public expenditures. The total reduction of the tax-levy within the whole State, in 1876, was \$2,939,957; and in 1877, \$861,963: about \$300,000 of the latter being attributable to the reduction of the State tax from the previous year; namely, from \$1,800,000 to \$1,500,000. All the counties in the State show a decrease of taxes, except Barnstable, Bristol, Hampshire, Nantucket, and Plymouth.

The total tax-levy in the nineteen cities of the State shows a decrease of \$819,304 during the last year. All the cities reduced their levy, except Haverhill, Salem, Taunton, Gloucester, New Bedford, and Lowell; in each of which there was an increase varying in amount from \$4,500 to \$59,000.

Fewer towns are said to be borrowing money than formerly; and there seems to be a healthy purpose abroad to scrutinize the character of municipal expenditures. Besides the above-named six cities which increased their taxes, a hundred and forty-three towns followed their example.

SAVINGS-BANKS.

The whole number of depositors in the savings institutions of the Commonwealth, on the 31st of October last, was 739,757, an increase of 486 for the year; while the total amount of deposits is \$244,596,614.18, being an increase over that of the previous year of \$1,255,971.43.

In view of the unsettled financial condition of the country, the depression of business, and the consequent lack of employment, this exhibit may be considered satisfactory, as it especially marks the confidence of the public generally in these institutions.

The ambition of managers to pay large dividends, and the eagerness of depositors to receive them, have in a great degree subsided; and a determination on the part of the former to strengthen the institutions, and the contentment of the latter to receive smaller dividends, is constantly adding to the stability of the banks. While it is not impossible that some of them may yield to the stress

of the times, yet, under the increased caution and energy on the part of managers, and a corresponding confidence on the part of depositors, it is believed that deposits in savings-banks are likely to pass through the season of financial change and distrust with as little shrinkage and loss as any other class of investments will sustain.

INSURANCE.

Owing to the withdrawal of several life-insurance companies, the income of the department in that branch will be somewhat less than in 1876. In the department of fire-insurance, there has been no considerable variation in the receipts.

An unusually active competition now prevails in the business of fire-insurance, and the premium rates upon some classes of property are lower than ever before. How far this great reduction may be justified by the improved character of risks, and the greater caution of the public generally, in consequence of the lessons of the great fires in Chicago and Boston, remains to be determined; but, if competition be continued to a point dangerous alike to insurers and insured, the legislature may be called upon to consider the expediency of further provisions for the protection of the public.

The general shrinkage in values of such securities as are usually sought for permanent investments, particularly in real estate, has caused much anxiety in regard to the condition of all trust companies. Especially is this true in regard to life-insurance companies; and such corporations have now to bear the odium which has attached to the business of life-insurance, in consequence of recent developments of fraud and mismanagement in connection with some of those institutions. Most of the companies of this Commonwealth have sustained an excellent reputation for integrity and security; but, in order that the public might be fully informed as to the effect which the depreciation of securities has had upon the financial conditions of these corporations, the Insurance Commissioner has, during the past year, instituted an investigation of their affairs. Every effort has been made to render the examinations thorough and complete; and it is believed they have been so even to the verge of severity. The results in the cases of three companies are already before the public; and it is gratifying to observe that the confi-

dence heretofore reposed in these institutions has not been misplaced.

CONDITION OF MANUFACTURES AND LABOR.

By the results of an investigation, just closed, undertaken by the Bureau of Statistics of Labor in cities and towns producing eighty-six per cent. of the whole products of the State, we are able to make an excellent comparison of the condition of our large industries in 1877 with that of 1875.

In all there has been a decrease of an average of about nine per cent. in the wages paid; but there has been an increase of working-time in days. The paper trade shows an increase of nineteen days over the working-time in 1875; the manufacture of worsted goods, twenty-seven days; and in the manufacture of cordage, cotton goods, carriages, straw goods, carpetings, and wool hats, an increase of working-time has been made; while in boots and shoes, leather, and agricultural implements, there has been neither increase nor decrease. In the manufacture of machinery, whips, musical instruments, and woollen goods, a slight decrease in working-time is reported.

The great industries of carpetings, paper, woollen goods, worsted goods, cigars, boots and shoes, cotton goods, leather, and metallic goods, report an increase in the number of hands employed, ranging from one to thirty-five per cent. over the number in 1875; while a few of the establishments report a slight falling-off in the number of persons employed.

On a gold basis, the value of products from the manufacture of hats, carpetings, straw goods, cordage, paper, worsted goods, whips, cigars, boots and shoes, cotton goods, leather, musical instruments, and metallic goods, has increased from five per cent. to thirty-six per cent. over the products of 1875; while but few industries show a falling-off. In nearly all there has been an increase in the quantity of goods made; but depreciation in prices, in some instances, places the value of products on the minus side of the account, instead of on the plus side, where they belong when considered as to quantity.

The results of the investigation lead to belief that there are no great numbers of mechanics wholly out of employment, and that our industries are steadily working back to the condition they were in prior to the panic of 1873.

INLAND FISHERIES.

The Commissioners of Inland Fisheries state, that, up to the year 1870, the shad-fisheries of the Connecticut River had steadily decreased, so that both in Connecticut and Massachusetts many fishing-grounds were abandoned. Three years previous to that date, the artificial propagation of shad was begun at Holyoke; and the State of Connecticut, in co-operation, forbade the use of fine meshes on the pounds outside the mouth of the river, thus insuring the escape of the immature fish. This artificial propagation, under such regulations, led to a sudden increase of these valuable fish in 1870 beyond precedent, and with great promise of continuance. This increase brought back the abandoned fisheries, and added new ones; and the abundance continued into the year 1875, when it was destroyed through illegitimate and destructive methods of fishing which had been permitted gradually to come into use. The year 1876 showed a large diminution in the quantity of shad taken; and the year just closed proved one of entire failure for shad-fishing in the upper portions of the river. The Connecticut fisherman are said to have so used their political power as to have nearly deprived their commissioners of authority.

Massachusetts has spent large sums of money in the artificial propagation of shad, in building the great fishways at Holyoke, and in other attempts to improve the fisheries of the river; which appear to have been all in vain, unless the renewal of co-operation by the authorities of the State of Connecticut be secured. Whatever contributes to increase the quantity of healthy food, and to cheapen its price, is the source both of wealth to a State, and of thrift and comfort to its people.

The re-appearance of salmon in the Merrimack River shows the first success in the attempt at the artificial propagation of this description of fish in any of our streams. In 1872 sixteen thousand artificially hatched salmon were placed in the upper waters of the Merrimack, and a hundred and eighty-five thousand in 1873. In May last the first full-grown salmon ran up the fishway at Lawrence; and a regular run of large fish followed in June and July, and again in October. These fish ascended as high as the Pemigewasset River in considerable numbers.

Under an Act of the year 1876 the coast fishermen have been required to make returns of their catch during the past two seasons; and the importance of these statis-

tics can scarcely be exaggerated. After the comparisons of a few years have been made, it will doubtless become possible to intelligently systematize and regulate all local fisheries, and to substitute a few just and simple laws for the mass of partial and ill-considered statutes on this subject which now encumbers our code.

HEALTH, ETC.

The Report of the Board of Health will show that the year which has just passed has been one of increased good health. No disease has shown marked prevalence, except diphtheria, — a disease which has at times been the scourge of our race for the past three centuries, now prevalent for the fourth year in our State, and from which it is certain that the number of deaths will be quite large.

Besides calling the attention of physicians in each of their last three Reports to the gravity of the disease, and to the necessity of active measures to resist its spread, the Board have sent nearly twenty-five hundred circulars on the subject throughout the State. The importance of the restriction of the ravages of contagious diseases is so great, that especial attention has been paid to that matter; and three elaborate essays in the forthcoming Report are devoted to its consideration. Most needful of all are more accurate registration of vital statistics, a better system of administration of the laws regarding the public health, and a more thorough organization of our local Boards of Health.

It is highly desirable that such Boards should have at least one physician upon them, and that they should be in constant and immediate official relation with the State Board of Health. Without some such measures, it is not likely that suitable means will be taken to protect the public health.

The Board have continued their investigations in the matter of drainage during this, the third year since the work began. The part of the State examined most carefully has been its western portion, composed mostly of small villages, often on rapid streams, and with considerable industrial element. It has been the endeavor of the Board to present this year a large mass of facts respecting impure wells; the supply of pure water, and its purification by filtration when necessary; also respecting drainage, sewerage, the disposal of sewage, and the pollution of streams. It is impossible to make one rule apply every-

where; and bearing all these facts in mind, and with a desire not to interfere unnecessarily with the industries of the State, the Board have, in accordance with a resolve of the previous legislature, prepared a draught of an act regulating, rather than absolutely prohibiting, the pollution of streams, with some provisions regarding the drainage of towns and public institutions. I commend this law to your favorable consideration, with the provisions necessary to make it effective.

EDUCATION.

Amid the pressing claims for material advancement, the fostering care of humane and reformatory interests, and efforts to remove all waste and unnecessary burdens from the public treasury, the people of Massachusetts will never cease to respond to every wise and proper provision for keeping in vigorous action the common schools, and for bringing the means of obtaining a fair education within reach of the humblest of her children.

The public schools should never be permitted to fall below the most advanced methods of teaching, on the one hand; and, on the other, they should embrace in their courses of instruction whatever is necessary as a foundation for success and usefulness in the ordinary pursuits of life, so that the educational force shall keep pace with the progress of every other interest. If more extended and liberal ranges of study be required than formerly, this will, perhaps, involve larger cost; but it also indicates the forward movement of society at large. The teacher who would successfully train his pupils must himself be taught: and hence the necessity of making suitable provision for the support of our several normal schools: and, until some means of increasing the school fund are devised and adopted, these and kindred schools must depend, in part, upon the public treasury.

At the beginning of the last school-year, the Hon. Joseph White, who for sixteen years had filled the office of Secretary of the Board of Education with diligence and ability, resigned his office, and was succeeded by Mr. John W. Dickinson, a practical teacher of great experience, and possessed of large gifts and accomplishments as a writer upon and director of educational methods. Under the efficient administration of his new office, various measures instituted and vigorously prosecuted during the past year have awakened a new interest in the public schools among teachers, school committees, and the people generally.

Among the new means of stimulating interest in the schools is the establishment in several counties, to be followed in all the others, of quarterly or semi-annual meetings of all the school committees of the county: they have thus been brought together for mutual conference and instruction, and for concerted action, by which more uniform and better management has been introduced into the schools of the whole county. When this series of meetings shall have become complete in all the counties, it must lead to a more thorough and effective system of school supervision, and can hardly fail to inspire an emulation which will result in the elevation of all our schools, and a wider appreciation of their real value. General as that appreciation is sometimes thought to be, the school statistics show that many thousand children in the State are not availing themselves of the advantages which the schools afford. The compulsory law and the laws relating to habitual truants should be thoroughly enforced by local authorities, so that every child of school-age, whose physical constitution will permit, shall be required to attend school regularly. The necessity for this universal education is so often declared, that its recital even has become a trite saying; but it is none the less a reality, neither to be neglected nor trifled with. Our own system of public instruction has grown up through many generations who have enjoyed its privileges, and been trained by its methods; and it is wise to consider how much easier it is to destroy than to build up, and how strong is the tendency to decay in that which is not stimulated to constant activity.

The present amount of the public school fund is	\$2,066,866 43
Amount of the income thereof paid to cities and towns for the year 1876-77	\$76,320 07
Total amount expended in maintenance of the public schools, including those in the reformatory and charitable institutions	\$5,582,519 28
Being \$18.87 for each child in the State between five and fifteen years of age.	
Whole number of pupils of all ages in all the public schools during the year	305,776

All the cities and towns of the State have raised by taxation the amount required by law to be raised as the condition for receiving a share of the income of the school fund.

INDUSTRIAL EDUCATION.

I desire to commend anew to your favorable attention the subject of Industrial Art Education, feeling that the

interests of the Commonwealth, in greater variety than can be easily described, are undoubtedly involved therein. Displaying a degree of inventive talent which places her in the front rank of States in respect to mechanical pursuits, and exhibiting a measure of commercial enterprise of corresponding proportions, our State does not yet command that eminence in the markets of the world which she is destined hereafter to attain, if efforts in the development of her industries be rightly directed. Her manufactures, like those of the country in general, too often bear marks of foreign imitation, or are the product of foreign designers in our own mills; while those of native design too often bear evidence of undisciplined taste and less perfect execution.

Before native talent can fully supply the need in this respect, there must be a general advance in mechanical skill and in art-culture. A great poet or scholar is most likely to be matured in a literary atmosphere; and in like manner there must be a general diffusion of artistic principles, taste, and practice, before we can hope for that higher outcrop of ability which shall lead the way to pre-eminence in manufacturing success. But, apart from the generation of extraordinary leaders, the whole character of our industries will shortly feel the influence of this training in the line of direct and profitable advantage.

The higher advancement of art-education tends to the multiplication of new forms of industry, to the enlargement of the field of remunerative labor, and to the increase of wages; and thus it benefits alike the capitalists and the working-classes in a community where it is encouraged. I pass by, in this place, the discussion of the moral aspects of the case, — the elevation of taste and character which comes from contemplation and association with what is most perfect and most beautiful; though that surely is of no small consideration which contributes most largely to our purest enjoyment, while at the same time it is made to contribute to our physical comfort and to the wealth of the community. To secure these results, the Normal Art School, now an assured success, is diligently working, and sending annually forth teachers whose influence is already felt, both in the elevation of the public taste, and in the improved designs and commercial value of the products of our industries. The Report of the visitors of this school will give particulars of its labors, and cannot fail to inspire your confidence in making the requisite appropriations for its needs.

The Massachusetts Institute of Technology, though not a part of our public-school system, yet lies so nearly in the plane of industrial as well as of scientific education as to be among the most deserving of pecuniary assistance, should the legislature deem it expedient to extend such assistance anywhere. It is probable, that, during your session, the trustees of the institute will present a memorial setting forth in detail the courses of studies and industrial training now in progress, and showing their direct and advantageous bearing upon the welfare of the youth of the State, and the grounds upon which they ask, and hope to receive, a moiety of the sum required to sustain the institute in its present comprehensiveness, and to increase its vigor. I commend the memorial, when presented, to your careful and intelligent consideration.

SCHOOL HYGIENE.

The duty of the State to provide for the physical as well as the mental training of the rising generation is becoming every year more and more fully recognized.

School-committees and school-teachers are, as a rule, quite aware of the responsibility which rests upon them, of seeing not only that the health of the children committed to their charge suffers no detriment, but that the whole nature of the pupils, physical as well as mental, is developed harmoniously.

Unfortunately, however, school-officers, even with the best intentions, often find themselves unable, owing to a lack of technical and professional knowledge, to accomplish all that could be desired in this direction. School-houses are sometimes erected in unhealthy situations, and with grave sanitary defects of architecture. Owing to their own or their parents' unwise ambition, children are often kept at school when the state of their health demands a period of mental repose. The health of whole schools is frequently seriously endangered by the presence of a pupil recently recovered from a contagious disease, or belonging to a family in which such disease exists.

To meet these and other similar defects in our school-system, it seems desirable that a law should be enacted, authorizing, and in large cities requiring, school boards to appoint a medical officer, whose duty shall be to give advice as an expert on all questions relating to the sanitary condition of the school-houses, or to the health of the pupils, and to render such services as an inspector and examiner as would properly devolve upon such an officer.

CHARITIES AND REFORMS.

The best methods of dealing with pauperism and crime are among the unsolved problems of civilization, which can only be settled by the most careful use both of scientific investigation and experience. Whoever has become familiar with the details of the management of the public charities and reforms of the State, as embodied in its laws, institutions, and supervision, will have discovered, that, since they were originally established, both the extent and the uses to which they were adapted have so far changed as to render revision and re-organization expedient, and in some cases necessary, in order to secure effective and economical results. With this end in view, the legislature, in May last, authorized the appointment of a Commission of three persons "to inquire into the expediency of revising the system of administration of the public charities and reformatory institutions of the Commonwealth, and all the existing statutes in regard to pauperism, crime, and insanity, with a view to secure greater simplicity, economy, and efficiency in said administration." In view of the comprehensive scope of the Act, which, in its fulfilment, would go to the root of the matter, and scrutinize the laws, institutions, and supervision, it will be regretted that the Commission was so small in number as to render impracticable the distribution of so vast a labor into desirable details. The Report, which will soon be placed before you, will show the magnitude and necessity of the work undertaken by the Commission, and the diligence with which it has been prosecuted.

The Commission will recommend, —

1. That the Board of State Charities, the Boards of Trustees of the several State Lunatic Hospitals, of the State Reform and the State Industrial Schools, the Inspectors of the State Almshouse, of the State Workhouse, of the State Primary School, and of the State Prison, the Board of Prison Commissioners, and the various Advisory Boards of Women, be abolished.

2. That the government of the several lunatic hospitals be vested in a Board of nine trustees, to be appointed by the Governor and Council; the said Board to have full control of the hospitals, with power to select their officers, determine all salaries, to transfer from one hospital to another, and to succeed to the trusts, duties, and liabilities held or exercised by the present Boards of Trustees of the hospitals at Worcester, Taunton, Northampton, and Danvers.

3. That the government of the State Reform School, of the State Industrial School, and of the State Primary School, be vested in a Board of seven trustees, to be appointed by the Governor and Council for five years (two for one year, two for two years, one for three years, one for four years, and one for five years): the said Board to have full control of the schools, to select their officers, determine all salaries, and succeed to the trusts, duties, and liabilities of the present Boards of Trustees or Inspectors. Three of these trustees shall be women.

4. That the duties now by law vested in the visiting agent be vested in the Board of Trustees of the schools; and that they shall have the power to select such officers as may be necessary to comply with the provisions of the law.

5. That the State Workhouse at Bridgewater be abolished, and that the buildings be used as an almshouse for men; that all the male paupers at Tewksbury be transferred to Bridgewater, and that the Almshouse at Tewksbury be used entirely for women; and that the government of the two institutions shall be vested in a board of five inspectors, — two of whom shall be women, and appointed by the Governor and Council for five years, one member to retire annually; that the said Board shall have full control of these almshouses, select their officers, and determine all salaries. Also that the court at Tewksbury be abolished; and that all cases requiring detention by a sentence be tried before a regular court, where they may have the means of a proper defence; and all cases sentenced shall be sent to the several houses of correction. All cases heretofore sentenced to the workhouse by regular courts shall hereafter be sentenced to houses of correction. Those now in the workhouse, under sentence, to remain until their terms expire.

6. That the chairmen of the Boards of Trustees for the Insane, Schools, and Almshouses (as above), shall be a Board in whom shall be vested the authority, powers, and duties now vested by law in the general agent of the Board of State Charities; the said Board to have the power to appoint a general agent, and all officers necessary to enable them to comply with the law, and to determine all salaries.

7. That the government of the State Prison be vested in a Board of three inspectors, to be appointed by the Governor and Council, with full control, including power to select their own officers, and to determine all salaries.

8. That the government of the Reformatory Prison for Women be vested in a Board of five inspectors, of whom three shall be women, to be appointed by the Governor and Council, with full control, including power to select their own officers, and determine all salaries.

9. That annual appropriations be made from the treasury of the Commonwealth for the support of all the institutions, and that all income be paid into the treasury ; and that an officer be appointed by the Treasurer of the Commonwealth, whose duty it shall be to act as disbursing officer for the several institutions, paying all bills and pay-rolls, thus relieving the superintendents of receiving and paying out any funds on account of their various institutions.

10. That all the returns now required by law to be made to the Secretary of the Board of State Charities, and the returns from city and county prisons now required by law to be made to the Commissioners of Prisons, be made to the Secretary of the Commonwealth.

I commend the Report to your candid and careful consideration, in the hope that it may open the way to the good results for which it is intended.

The several institutions, while varying somewhat in the merits of their supervision and management, are, on the whole, in excellent condition ; and the officers in charge of them, and the supervising Boards, deserve the public confidence. I wish to emphasize this statement for the purpose of allaying a kind of latent distrust, which seems almost universal when applied to the public institutions, — that they are conducted with less wisdom, prudence, and humanity than private establishments of similar character. This distrust, which is unfounded, greatly impairs the discipline and usefulness of these institutions : it feeds the fondness for investigation, so called, and spreads a demoralizing influence through the community by sending out a mass of details, which, either true or false, at best feeds an idle and morbid curiosity, and disheartens those who are charged with the responsibilities of managing this exceedingly difficult labor : moreover, it creates an unhealthy sympathy with crime and criminals, and needlessly and wrongfully injures the fair fame of the Commonwealth in those particulars wherein its merits and renown in the past have been most conspicuous. The supervision of our public charitable and reformatory institutions is in the hands of some of the best citizens of the Commonwealth, whose services are invaluable, and gratuitously rendered : and no motives are conceivable why they should

cover up faults of administration; but, on the other hand, every instinct of duty and every motive of interest lead them otherwise. It is becoming more and more difficult to obtain the services of persons of this character, because of their reluctance to encounter the probabilities of being made the objects of censorious criticism and contumely as the reward of the best devotion they can render to the institutions and the wards of the State.

The Advisory Board of Women to confer with the Inspectors of the institutions at Tewksbury, Westborough, and Monson, was duly appointed in June last, in accordance with the provisions of chap. 195 of the Acts of 1877, and has been most diligent in its labors. The Reports of the Trustees of the several public institutions present in detail their condition and needs, to the recommendations of which I invite your favorable attention.

NEW HOSPITALS.

The two great insane-hospitals which have been in the course of construction during the last four years — namely, one at Worcester, and one at Danvers — have been completed; and the former is already occupied. These vast and expensive structures have been the objects of severe criticism; but it is claimed that they embody the highest as well as the latest demands of science and humanity as habitations for the insane. Whatever difference of opinion may prevail respecting the classification and treatment of the insane is one to be determined chiefly by experts; while those who object to the economic expediency of establishments of so costly a character will ultimately concur in what they cannot prevent, provided only that these hospitals shall serve a higher use than others in the recovery or alleviation of those who suffer the miseries of this most dreadful of maladies. The buildings are imposing in appearance, ample in their accommodations, salubrious in location, and appear to have been faithfully and thoroughly built; and they no doubt honestly represent the sum of their cost. The total outlay at Worcester for the construction account has been \$1,102,417.44; and the cost of furnishing, \$26,556.99. The hospital contains about four hundred patients, most of whom were removed from the old Worcester-Hospital buildings.

The original purpose of selling the old hospital, and applying the proceeds of the premises to paying for the new, has of course been abandoned in conformity with the

Act of the last legislature (chap. 227 of 1877) which established "a temporary asylum for the chronic insane at Worcester, with authority to the trustees to use so much of the land and buildings of the old hospital as they should deem necessary for that purpose." It is not intended thus to use the whole of these premises; and portions have already been sold, and some more will be disposed of as favorable opportunities may offer. The remainder has been put into proper condition, the buildings repaired and purified, and the chronic asylum established. Commitments to this asylum are made only by transfer by the Board of State Charities. About seventy-five of such cases were left in the asylum when the Worcester-Hospital inmates were removed to the new location; about two hundred have been received from Taunton Hospital, about fifty from Northampton, and about sixty from Tewksbury. Excellent results are anticipated by the improved classification thus effected, and by the relief afforded to the institutions named, which were greatly, and in some instances dangerously, overcrowded.

The new hospital at Danvers was substantially completed, and transferred to its Board of Trustees, on the 1st of October last. In the amplitude of its arrangements and appointments, it is probably unsurpassed by any similar hospital in America.

The trustees are devoting themselves with great care and assiduity to preparing the buildings for occupancy, to the selection of its officers of administration, the purchase of furniture and supplies, and to such other duties as are incident to their office. It is their expectation that the hospital may be opened for patients on or before the 1st of April next. The whole cost on construction account has been \$1,423,843.52; and the appropriation for furnishing is \$50,000.

NEW STATE PRISON.

The new State Prison at Concord, which has been under construction since 1875, is far advanced towards completion. The main group of prison-buildings, or what might be termed the prison proper, is entirely built, and a large portion of the interior work is done. The enclosing yard-wall, embracing about twenty acres of ground, is completed. The workshops, gas house and receiver, have been constructed; also ten double houses, providing twenty tenements for officers' quarters, are built, and near-

ly ready for furnishing. A large amount of grading has also been done about the prison-grounds.

The Building Commissioners believe that all the work will be done, the accounts of the several contractors settled, and every thing coming under their charge completed, by April next; so that the property can then be turned over to the proper authorities for furnishing and use. They also feel confident that the prison will be completed within the amount of the appropriations already made for that purpose.

REFORMATORY PRISON FOR WOMEN.

The Reformatory Prison for Women has been completed and furnished within the sums heretofore appropriated for the purpose; and the prison was established, according to law, by proclamation on the seventh day of November last. The buildings are well arranged and securely built, and are apparently perfectly adapted to the purpose designed in their erection. The commissioners have given great care and attention to the interests of the Commonwealth intrusted to their charge, and are deserving of commendation for the successful accomplishment of their labors. Much remains to be done about the prison in the way of grading and fencing the grounds, providing a cemetery, &c.

It being the original purpose that this prison should be, as far as possible, under the direction of women, all the officers provided by law to be of that sex, and all in which the sex is left by the law optional, have been filled by women; so that the only male officer is the steward and treasurer. The following are the principal officers of the prison: Mrs. Eudora C. Atkinson, *Superintendent*; Miss Eliza M. Mosher, *Physician*; Miss Mary Fosdick, *Chaplain*; Col. John C. Whiton, *Treasurer and Steward*.

The first prisoners were received on the 7th of November from the House of Correction of Suffolk County. Other transfers have been made from houses of correction in other counties, and from the workhouse at Bridgewater, and direct commitments by the courts. The present number in the prison is about two hundred and fifty.

So short a time has yet elapsed since the prison was opened, that no practical results can be reported: but the prisoners, for the most part, evince appreciation and gratitude for the provision made for their physical welfare;

and there is good promise that the reforming influences aimed at will be realized.

The valuation of the prison-property belonging to the several counties of the State (not including the state prisons) is \$3,699,421; of which \$522,299 is the assessed value of the land, \$3,086,214 in buildings, and \$90,907 the value of the personal property used in connection therewith.

The average number of prisoners in the county prisons for the year (jails and houses of correction) is 2,466, showing a small increase over the year 1876. The expenses have, nevertheless, been smaller, and the receipts greater; so that the balance against the prisons is shown to be \$1,400 less in 1877 than in 1876.

The prisoners sentenced to labor have, for the most part, been employed; there being organized labor in every house of correction in the State, except in the small ones at Greenfield, Barnstable, and Nantucket. The prices received for this labor are small; but employment seems to be an essential part of the discipline of a prison, and a necessity to the moral well-being of the prisoners.

STATE DETECTIVE FORCE.

The State Detective force, established by chap. 15 of the Acts of 1875, proves, upon trial, to be somewhat defective in organization, and is of more doubtful value and of less public necessity than was originally anticipated.

The usefulness of any force may be doubted whose existence relieves the cities and towns of the State from providing proper police protection in their own precincts, or which leads either to a conflict of duties or to a division of responsibility in municipalities which make such provision. Both of these objections may be made against the present State Detective organization. Moreover, the force seems never to have had any clearly-defined duties or sphere, or mode of action; but each member has acted much upon his own discretion, both as to what he shall do, and as to how he shall do it. Much of the work now done in the rural counties by these detectives would, it is believed, be as well or better done by the sheriffs and their deputies; and it seems a mistake of policy to withdraw in any degree, from the sheriffs and deputies in those counties, their sense of responsibility as the conservators of the public peace and the pursuers of crime.

The genius of our institutions will be best recognized by leaving, as far as possible, to local officers the perform-

ance of all duties which they have been expected to perform, and which they are presumed to be capable of performing, and for which they are directly responsible to the people. The Act provides a fixed salary of twenty-five hundred dollars per annum for the chief, and twelve hundred dollars for each ordinary member of the force, "together with their actual and necessary travelling-expenses when on duty, not exceeding the amounts actually paid out by them." It has often happened that the duty alleged to have been performed is of a confidential nature, unknown—either as to its necessity, prudence, or expediency—to any one save the officer himself; and sometimes involves the employment, by subordinate officers, of other persons not known to the force nor to the public, either in character or name. I know of no instances of fraudulent charges for money or services; but such latitude to the members of any force must be pernicious, and holds out constant temptation to fraudulent returns of accounts.

The Executive Department has seldom had occasion to employ this force; and, so far as its needs extend, no such force is necessary: and I recommend that it be abolished, and that a smaller service, of not more than ten or twelve officers, be authorized, who shall be under the immediate direction of the attorney-general and the several district-attorneys of the Commonwealth; and that an appropriation not exceeding fifteen thousand dollars be made for this purpose.

The Report of the Chief Detective is an elaborate and interesting document, giving a statistical summary of the labors of the force, showing nine hundred and six arrests for various offences, and the recovery of stolen property of the estimated value of \$113,689.81.

The growing and every way troublesome subject of tramps is extensively discussed, and recommendations made for new laws to suppress the evil resulting therefrom. The estimated number of tramps living in this State is one thousand, who spend their time in begging, thieving, and other crimes. The origin of this class of criminals is attributed to the hangers-on of the army during the late war; since which time it has been constantly re-enforced by young men of dissolute lives and criminal tastes, who prefer roving from State to State, instead of employment in any honest vocation.

The inspection of factories and public buildings has been prosecuted successfully and with good results; while

increased attention has been given to securing to children employed at labor the portion of school-privileges which the laws require. Some suggestions concerning the operation and the result of the laws regulating the hours of labor are shown both in the form of argument, and by examples which illustrate the relative profits of mills of the same class, working upon the same kind of goods, in Massachusetts and adjoining States; how these laws discriminate against our industries; together with the opinion of operatives themselves respecting their choice of places of employment.

HARBOR COMMISSIONERS.

By the action of the last legislature, the organization of the Board of Harbor Commissioners was changed from five to three members; the powers and duties of the former Board, with its archives, continuing with the new organization. This modification has caused no change nor interruption in the plans and projects matured during eleven years' experience; and the Report of the present Board will, therefore, embrace a statement of the doings of the entire year.

Time has confirmed the wisdom of the policy, early adopted in this State, of providing for the improvement of navigation, the protection of harbors of refuge, and the establishment of lines defining commercial basins upon physical and business laws, and of assuming organized supervision of these great public interests.

Among the special operations of the past year has been a re-survey of the inner harbor of Boston, for the purpose of determining the measure of encroachments made upon its water-spaces, and to re-establish the harbor-lines, some of which were imperfectly determined, and others had become obliterated by the loss and change of reference points.

This work is well advanced, and, the Board are confident, will be completed at a cost not greater than the five thousand dollars appropriated for this purpose. Improvements demanded by the convenience of foreign commerce have been made by using the income of the compensation fund to remove shoals off East-Boston frontage, but not within the work undertaken by the United-States Government. The material dredged has been added to the filling of the State flats in charge of the Land Commissioners. The near completion of the contract for improving twenty-

five acres of Commonwealth flats is announced. This magnificent work, with its quay-wall thirty-nine feet high from base to coping, with a frontage-depth of twenty-three feet of water at all times, will rank among the first enterprises of its kind on this side of the Atlantic; and its prospective value is more and more indicated by the fact that nearly all the railroads terminating in Boston are seeking additional accommodations at tide-water.

LAND COMMISSIONERS.

By chap. 213 of the Acts of 1877, the Board of State Agents for the Commonwealth's Flats in South Boston was consolidated with the Board of Commissioners of Public Lands, and the new Board was entitled "The Board of Land Commissioners." This Board entered upon its duties on the first of July last.

Owing to depression in business and the lack of demand for them, none of the Back-Bay lands have been offered for sale during the year. The proceeds of these lands already sold amount to \$3,735,432.17, while the total expenses incident to filling and selling them amount to only \$1,635,832.67; so that the amount realized by the Commonwealth is about \$2,300,000, and the value of the lands donated for educational and other purposes cannot be less than \$1,000,000. About four hundred thousand feet of these lots remain unsold. They are all so situated as to be required when business shall again revive, and they will be offered for sale when a proper demand for them shall show itself.

In 1869 and 1873 the Boston and Albany Railroad Company purchased fifty acres of flats in South Boston, for which it agreed to pay the sum of \$435,600, less certain allowances as stipulated in their contracts. The Land Commissioners claim the amount due the Commonwealth to be \$410,000, and the Railroad Company make it only \$330,476. The Commissioners claim that interest should be paid on the amount due the Commonwealth from Oct. 1, 1876: while the Railroad Company offer to pay the amount named by them on the 1st of April, 1878, without interest. The Commissioners expect to conclude an agreement as to the items of account to be allowed; but they have no authority to rebate the interest.

The city of Boston has requested the filling of B or C Street from First Street to Eastern Avenue, as provided for in the contract of 1873. Should it be found that the

work must now be done, an estimate of the cost, and a request for an appropriation, will be made by the Board.

Certain outstanding rights, more particularly referred to in the Report of the Commissioners, for which an appropriation was made at the last session of the legislature, still remain unsettled, though all proper effort has been made to effect settlements. It is possible that further legislative action may be required.

In the present depressed condition of railroads, it has been impossible to make any progress towards the completion of a new railroad to the territory at South Boston; and therefore the Commissioners have deferred making a plan for the use of the property, as contemplated by the Act of 1875.

RAILROADS.

In my last Annual Address attention was called to the fact, that, during the year which had then just come to a close, the building of railroads had, for the first time since their construction began, practically ceased in Massachusetts. The year 1877 brought about no change in this respect. Since 1835 there have been, on an average, fifty miles of railroad built each year within the Commonwealth. In 1873 there were no less than a hundred and thirty miles built: in 1876 this amount had fallen to twenty miles, and last year (1877) it further decreased to seventeen miles. This is a significant indication both of the cause and the results of the financial crisis of 1873. There is, perhaps, no better gauge of the growth or decrease in volume of the business of a modern community than is furnished by the receipts of its railroad corporations. These are peculiarly interesting now, if they give any data upon which a judgment might be formed as to whether the extreme business depression which has weighed upon the community during the last four years is drawing to a close. From the returns of these corporations, which will be laid before you, I find that the maximum mark of their receipts was reached in 1872-73, when they amounted to a little less than thirty-four million dollars. They have since, year by year, decreased, until, in that which closed on the 30th of September last, they were not quite twenty-nine million dollars. In the four years they had fallen off within a fraction of fifteen per cent. It is, however, encouraging to observe that the process of shrinking gives signs of coming to a close. During the last year it was but nine hundred thousand dollars as compared with over a million six hundred

thousand dollars in each of the two years preceding the last. It is a singular fact, also, that the heaviest shrinkage seems to have been felt in that portion of their business which the railroad corporations have been accustomed to consider the least liable to it, — namely, the local passenger-business, — a striking indication of the effects of long business-depression.

During the month of July last, the country was, for a period of nearly two weeks, thrown into a state of utter confusion by reason of difficulties between railroad corporations and their employes. These disorders, I am happy to say, did not extend to Massachusetts; and the interests of our people were only indirectly affected by them. Meanwhile, except in the case of United-States mails, the laws generally in force to protect railroads from obstruction were found to be quite inadequate. It is matter for consideration, whether, under these circumstances, it would now be advisable to revise these laws so far as Massachusetts is concerned. This subject, I am given to understand, will be discussed at length in the Report of the Railroad Commissioners, soon to be submitted.

TROY AND GREENFIELD RAILROAD.

The large property interest which the Commonwealth has invested in the Troy and Greenfield Railroad and Hoosac Tunnel renders it a subject of prime solicitude. On three former occasions I have had the honor to present to the legislature the views respecting the general policy which I believed to be essential to the ultimate development of this property, so as to secure the commercial advantages which could alone justify its construction; and these views have seemed to me equally essential in order to secure to the towns and cities along the line of this road, and its eastern and western connections, such influx of life, and volume of business, as should bring them into nearer equality, in facilities of intercourse and transportation with the whole continent, to those enjoyed by their neighbors on the parallel line of the Boston and Albany Railroad.

It does not seem to me practicable, in the present state of things, for the Commonwealth to initiate any new policy in regard to the Tunnel enterprise. Its property is a section of inland railroad, forming, it is true, a section of a trunk line composed of different corporations, and with indefinite western connections, which divide with it the

volume of eastward-bound freight from the great States of the West. It does not appear possible at present to make a permanent connection with any new line west of the Hudson River without an outlay of new capital, which the people of the Commonwealth neither desire nor would justify. Enterprises appear to be developing which will ultimately, and that very soon, utilize the State property under consideration, in a degree somewhat commensurate with the original expectation; and, in the absence of an aggressive policy which is practicable, it seems the part of wisdom and of necessity to wait for a while the approach of such connections as shall present the greatest advantages of strength and enterprise. I cannot but repeat my previously expressed conviction of the expediency of separating the treasury of this railroad from the treasury of the Commonwealth, and of relieving the Executive Department of the Government of its supervision, by placing the road under corporate management familiar with railroad business, and competent to insure proper connections by negotiation when opportunity shall offer.

Two points only upon this road remain uncompleted; namely, the station-accommodations at Greenfield and at North Adams: some further legislation may be required in order to secure union stations at these points, in combination with the Connecticut-river Railroad at Greenfield, and with the Pittsfield and North Adams Railroad at Adams. Under the provisions of sects. 6 and 8 of chap. 249 of the Acts of 1877, authority was given for the completion of the road accommodations at these points, in combination with the roads referred to; but no power was granted to enforce action on their part, and no agreement mutually acceptable has yet been made. It seems greatly to the public advantage that joint accommodations should be established for the use of these lines; and this arrangement is also desired by those doing business over these roads.

It would seem to be proper that a time limited shall be determined upon, within which all claims for damages on account of land taken, rights of way, or crossings on the line of the Troy and Greenfield Railroad, shall be presented. So many years have elapsed since the commencement of this work, and its construction has been supervised by so many different agents, that it will be difficult in the future for those unfamiliar with the facts in each case to decide between just and unjust claims which may be hereafter presented. Cases of this kind have already

arisen; and a limit of time should be fixed for the adjustment of such demands, either by agreement with representatives of the State, or by reference to the county commissioners. I would also respectfully recommend that the location of the Troy and Greenfield Railroad, as filed in the offices of the counties through which the road is located, be ratified and confirmed by the legislature.

A case of accident to one of the employés of the Fitchburg Railroad, while passing over the Troy and Greenfield Railroad, renders it expedient to call your special attention to the provisions of chap. 77 of the Acts of 1875 respecting liability for accidents occurring upon the latter road. It is thought by high legal authority that such a construction may be given to this statute as shall subject the manager of the road to liability within the sphere of his action, co-extensive with that of railroads in general, "for all damages sustained by any person or persons, recoverable by law," without any adequate means of reimbursing himself. If this be so, the law should be changed, so that the manager, though nominally the defendant, should not be liable in person and property for damages, but that the same should be paid out of the earnings of the road in his hands, under some plan insuring to all judgments recovered in a given year an equal application in payment of the earnings of the road for that year.

The Act referred to also seems to be defective in not providing for the liability of any connecting railroad, entering upon and using this railroad and tunnel with its own motive-power, for all damages, recoverable by law, sustained by any person or persons, arising from negligence in not providing suitable cars, engines, and other equipment; or in running their trains in an improper manner; or in the negligent use of switches and other instrumentalities. This statute ought also to provide that any such connecting railroad, using this railroad and tunnel, should be liable in damages to the State for any injury to said railroad and tunnel arising from the negligence of such connecting road in running its trains improperly; or in providing insufficient cars, engines, and other equipment; or in employing careless and unskilful hands. The necessity for these and other changes in this statute will become more apparent under fuller examination. During the past year the road has been put in thorough order; slopes have been taken down, the track raised and graded from Greenfield to Buckland, and the ditches cleared. The station, engine-house, and freight-house at Shelburne Falls have

been moved, and put in thorough repair, together with adequate platforms, water-tanks, and other necessary fixtures. The façade at the east portal of the Hoosac Tunnel, and the stone arch at the west portal of the little tunnel, as well as the brick arching, have been completed in a neat and substantial manner, and at a cost within the sums appropriated.

The method of collecting tolls has been changed, since July last, from a fixed rate per ton to a percentage of two-thirds of the gross receipts; thus allowing a flexible instead of a fixed rate.

The manager's statement of the receipts and expenses of the first three months under this change—namely, from July 1 to Oct. 1, 1877—shows gross receipts as follows; viz.,—

From Fitchburg Railroad	\$36,353 80
From Troy and Boston Railroad	8,846 15
	<hr/>
	\$45,199 95
The expenses in the same period were	16,485 26
	<hr/>
Leaving the net receipts for three months of 1877	\$28,714 69
Net receipts for the same months, 1876	7,296 50
	<hr/>
Gain in three months of 1877 over the same in 1876	<u>\$21,418 19</u>
Total net receipts for nine months, from Jan. 1 to Oct. 1, 1877, are as follows	
	\$63,966 47
Total net receipts from Jan. 1 to Oct. 1, 1876	28,394 36
	<hr/>
Gain in nine months over last year	<u>\$35,572 11</u>

NEW-YORK AND NEW-ENGLAND RAILROAD.

The State has also an investment of \$3,600,000 in the New-York and New-England Railroad, in respect to which property, and recommendations for the protection of the interest of the Commonwealth therein, a report may be expected from a committee appointed by the last legislature to make the requisite investigation.

MILITIA.

The volunteer militia of the Commonwealth is composed of 3,775 enlisted men, and 373 commissioned officers; making a total of 4,148 men in the force. The sixty-one infantry companies contain each 48 men, the three cavalry

companies each 81 men, and the three artillery companies each 80 men. The two corps of cadets contain 272 men; and there are 92 non-commissioned staff-officers. It is the nearly universal opinion, that the companies are too small in number of men. It is generally the case, that a portion of the men cannot attend to all the duties required by law: and consequently the number who can be relied upon is too small for the best welfare of the service. I do not, however, deem any change in the organization at present expedient, as other alterations are likely to become necessary after a little longer test of the present law, and frequent changes of organization are not desirable. Under provisions of chap. 118 of the Acts of 1877, one company of infantry was organized, mustered into service, and attached to the first brigade, and made its first parade on the 26th. of June last, at the reception of the President of the United States in Boston. This company had received their uniforms and arms but a few days previous; but they made a most creditable appearance as an organization. A magazine for the safe keeping of artillery and small-arm ammunition was constructed early last season at the State camp-ground, and also a wooden building for storage of property of the militia. An inexpensive structure for the shelter of horses at the annual encampments is very desirable. The risk attending the exposure of horses at such times renders it difficult to obtain a class of animals suited to the best service, and involves expenditures by officers which they should not be required to make from their own funds on behalf of the public service.

The condition of the public property in use by the militia is generally fair, as shown by the reports of the inspector-general. A thorough inspection of every armory in the State is now in progress, and they are generally found to be in good condition and well located; and the rentals will be adjusted to the times.

Under orders of the commander-in-chief, an officer of the adjutant-general's department was sent to Washington, with vouchers, for the purpose of settling an outstanding account for arms furnished the State for the suppression of the Rebellion. This visit resulted in securing to the credit of the Commonwealth the sum of \$25,210, which was immediately available under the Act of Congress of April 23, 1808; and requisitions were made for new Springfield breech-loading rifles, of which a sufficient number have been received to supply all infantry organizations in the

State, thereby displacing the Peabody rifles, which were returned to the arsenal, and put in good order.

A disastrous fire in Marblehead, on the 25th, of June last, consumed the armory of Company C, Eighth Regiment; during which conflagration Capt. Charles O. Hare and his men, by great effort and perseverance, saved a large portion of the public property in their charge; but the private property of the company, valued at eight hundred dollars, was, with the exception of its records, entirely destroyed. The selectmen of Marblehead called upon Capt. Hare and his company to assist in preserving peace and good order; and, by proper distribution of his men, confidence was established, and much property was saved. No compensation has been made to this company for fire-duty, as selectmen are not authorized to call out the militia; but I recommend that the amount be appropriated for its benefit which would have been due had the company been ordered out in the manner provided by law.

There were present at elementary drills 1,297 officers and men; at camp, 3,417 officers and men.

The entire militia voluntarily paraded in Boston on the 26th, of June, at the reception of the President of the United States, and were reviewed by him, receiving his high commendation and the praise of distinguished military men of his suite. This voluntary parade was repeated on the 17th of September, on occasion of the dedication of the Army and Navy Monument erected by the city of Boston. For these voluntary and most creditable parades I desire to return to the officers and men of the militia my cordial thanks; and, in so doing, I am quite sure that I but express the general sentiment of the people of the Commonwealth, who were interested in the two memorable occasions upon which the parades were made.

The enrolled militia for 1877 numbers 217,239; an increase of 1,130 over that of 1876. The number of names now borne on the lists of the volunteer militia is as follows: commissioned officers, 353; enlisted men, 3,481,—a total of 3,834.

The board of officers appointed in December, 1876, to prepare a code of regulations for the militia, has actively prosecuted its labors; and the result will be a most complete and valuable volume, of the greatest assistance in governing the militia.

The provisions of chap. 320, Acts of 1874, relating to the apportionment of the militia, taken in connection with subsequent Act, chap. 204, of 1876, appear to be in conflict

with each other as to the manner of distributing the force, and, if continued without change, will render the execution of the law difficult, if not impossible. The first Act mentioned requires the volunteer militia to be apportioned among the several counties according to population, and gives the commander-in-chief power to "disband any company or companies now organized, whenever, in his judgment, it shall be necessary or expedient in order to give to each county its just proportion of the organized militia" (sect. 14).

By chap. 204, Acts of 1876, the number of companies was required to be reduced, after inspection, by the disbandment of such as shall be lowest in order of inspection. In the language of the Act (sect. 6), the inspection was to be "with relation to numbers, discipline, drill, records, condition of public property in possession, and any other matters affecting the character and efficiency of the organization." The same Act further requires that the commander-in-chief shall, from time to time, disband any company or companies which are reported by the inspector-general to be below the standard of efficiency. By one Act, the continued existence of companies is made to depend upon the population of counties, which would make it necessary to re-organize the force with every change in the number of inhabitants: by the other Act, a meritorious standard of efficiency is exacted; which latter provision is clearly better for the militia, and for all that pertains to it. The existing conflict in the statutes would be removed by repealing so much of sect. 14 of chap. 320, Acts of 1874, as relates to the apportionment of the volunteer militia according to population.

PARIS EXPOSITION.

The Government of the United States having accepted, on behalf of the people, the invitation of the Republic of France to take part in a universal exposition of the productions of agriculture, manufactures, and the fine arts, to be held in Paris in the present year, Congress, by joint resolution in December last, requested the governors of the several States and Territories to invite the people of their respective States and Territories to assist in the proper representation of the productions of our industry, and of the natural resources of the country; and to take such further measures as may be necessary in order to secure to

their respective States and Territories the advantages to be derived from this beneficent undertaking.

The industries of our own State are so large and manifold, that it cannot be doubted they should be fully, and would be advantageously, represented at this exhibition, and that it will be a strong auxiliary towards introducing their products favorably into the markets of the world. The magnificent success and the beneficent results of the Exhibition at Philadelphia are too fresh in our recollection to make it necessary to enlarge upon the advantage derived from a comparison of our own industries with others, as they appear in the light of the world's competition, and the new stimulus given to them by the hopes which that comparison inspired.

By the joint resolution referred to, the governors of the several States are authorized to nominate, and the President to appoint, two honorary commissioners from each of the States; and I submit to the legislature what further provision shall be made for the proper representation of the products of our industries at the Paris Exhibition.

PUBLIC FAITH.

As one of the original members of the American Union, and second to none in bearing the costs and hardships of its birth and preservation, Massachusetts cannot be now indifferent to measures and influences which affect the honor and advancement of the nation, but will ever be watchful of the manner in which the government is administered, and its obligations fulfilled. Her people believe that the honor of the country cannot be preserved, nor its prosperity secured, by gains which come from broken promises; and they expect their representatives will, if need be, resist by all justifiable means the enactment of any laws which will not bear the test of impartial justice. In the payment of the debt created to save the nation when it reeled amid the conflicts of war, she desires that the promises which have formed the basis of the public credit shall be honestly and undeviatingly fulfilled. No sophistry in reasoning, and no casuistry in morals, should be allowed to obscure the plain demands of honest dealing with the public creditors, either as to time or character of payment of their dues.

PUBLIC PEACE.

Not only should the public debts be paid, and the currency restored to its normal standard according to promise made, but every honest effort is demanded for restoring the peace of the country, as the surest way of reviving its prosperity, and securing the happiness of its people. The war has settled the old causes of difference; and they cannot be renewed, if any section were so disposed. The country has declared with great unanimity for the return of peace, and the restoration of intercourse and good feeling between the sections that were alienated by slavery and the war. It is the duty of the North to adhere to a pacific policy on the basis of the constitutional amendments; and the great body of people in the South have manifested the purpose to accept these amendments as unalterable conditions. It must needs be, perhaps, that occasional conflicts will arise out of political ambition and partisan zeal; but, if they do, they must be dealt with by wise and ingenuous statesmanship, as difficulties inseparable from a free government extending over a continental domain. There must be a steadfast adherence to sound principles of government, with great tolerance as to choice of methods of administration.

The right of local self-government in the States respectively in time of peace, so it be republican in form, is practically undisputed. The latter cannot be said to be granted while a State is menaced by a military force within its own borders, and not under its own authority; and peace and fellowship cannot be said to be accomplished without those signs of recognition which demonstrate that the pacification is genuine, and worthy to be trusted. If any section of the country is in fact false to its professions on this subject, the sooner that fact is made manifest, the less dangerous will be its power for evil, and the easier will be the remedy for the mischief it may have already accomplished.

CIVIL SERVICE.

Massachusetts will also heartily support all practicable and just means to correct any evils in the civil service of the country, and is in full accord with the honest purpose of the President to render practical what has been so eloquently declared in convention by speech and resolution. The people desire competency and integrity in all depart-

ments of the public service, and that the public patronage shall not be misused for purposes of individual advantage and partisan success. Much of the controversy on the subject has arisen out of the differing methods and policies employed or advocated to secure these results. It has sometimes appeared, to those who have given thought to the matter, that the partial failure which has hitherto attended the efforts to improve the civil service has come from mistaken arguments, which would, if successful, ingraft upon our republican government the characteristic civil service of monarchies ; and that many of the complaints made against the American system of civil service are, in reality, complaints against a republican form of government itself, through the system of civil service which is a necessary part of that government. In a monarchy, authority in the civil service is represented in the crown ; and schools of training may be maintained, and their graduates appointed to places in the various departments, with the certainty, that, if found to be competent and faithful, they will remain there through life, or through the continuance of a dynasty. But a republic is a monarchy upside down ; and the crown is with the people, together with all its prerogatives, civil service included. The Executive is frequently changed, while the power of the people which delegates authority is permanent. The quality of our civil service, therefore, will depend much upon the quality of public sentiment ; and, if the standard of that be sufficiently high to recognize fitness for office as above the value of partisan influence, we shall have reached the very essence of the necessary purification. Public sentiment in this country will sustain the appointment of competent and trustworthy persons to the civil service, and the removal of those who are not, or who abuse their places for unjustifiable ends.

Senators and Representatives :

This day marks the beginning of a new year in the civil history of our beloved Commonwealth. Let it be the goal of our ambition that it shall not suffer in comparison with its predecessors.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the House of Representatives, January 8.]

I have the honor herewith to transmit for the information and use of the General Court, the annual reports for the year 1877, of the Surgeon-General of the Commonwealth; the Board of Land Commissioners; the Board of Inspectors of the State Prison; the State Agency for Aiding Discharged Convicts; the Trustees of the State Reform School; the Trustees of the State Industrial School; the Trustees of the State Lunatic Hospitals at Northampton, Taunton, and Worcester; the Inspectors of the State Workhouse; the Inspectors of the State Primary School; the Inspectors of the State Almshouse; the final report of the Commissioners upon the erection of the new Hospital for the Insane in the north-eastern part of the Commonwealth; the Annual Reports of the Treasurer and Superintendent of the Massachusetts Employment Bureau for Disabled Soldiers; and the Report of a Special Committee of the last General Court on the State Workhouse at Bridgewater.

[To the Senate, January 14.]

I have the honor herewith to transmit for the use of the General Court the Annual Report of the Commissioner of the Mystic River Corporation.

[To the House of Representatives, January 22.]

I have the honor herewith to transmit for the use and information of the General Court the Reports of the Chief

Detective of the Commonwealth and the Commissioners
on Inland Fisheries for the year 1877.

[To the Senate, January 31.]

In compliance with the provisions of chapter 50 of the Resolves of 1860, I have the honor herewith to lay before the General Court a Report of the pardons issued by the Governor and Council during the year 1877.

Of the fifty-three convicts thus set at liberty, sixteen were in the state prison, thirty-one in houses of correction, and the remainder in jails, and in the house of industry at Deer Island.

In fifteen cases, sickness was the controlling reason for granting the pardon, and in eight of these cases it has been ascertained that death took place within a few weeks.

Every pardon granted contained the condition, that if the person to whom it was issued should, before the expiration of his sentence, be convicted of any crime punishable by imprisonment, he would be held to serve out the remainder thereof.

NO. 1. LEWIS C. ELDRIDGE. Convicted of larceny in a building: Superior Court, Barnstable County, October 14, 1875. Sentenced to two years in the house of correction. Pardon granted January 19, 1877, because no public interest would have been subserved by a longer imprisonment, and because he had promise of immediate and permanent employment in his occupation as a fisherman.

NO. 2. BARTHOLOMEW HAYES. Convicted of assault, with intent to kill: Superior Court, Hampden County, December 24, 1875. Sentenced to fifteen months in house of correction. Pardon granted January 25, 1877, because the prisoner was in the last stages of consumption, and could live but a short time. He had friends ready to take charge of him when released.

NO. 3. WELLS D. MEEK. Convicted of forgery: Superior Court, Suffolk County, October term, 1874. Sentenced to three years in state prison. Pardon granted February 21, 1877, for the reason, first, that those who suffered most from his crime desired his release; second, that no public interest would have been subserved by longer confinement; and, third, because his release would greatly aid the prisoner's aged and invalid mother, and encourage his efforts to restore himself to his former business and social position. His brother-in-law promised to send him West in search of employment.

NO. 4. CHARLES J. GILES. Convicted of indecent assault: Superior Court, Worcester County, May 23, 1876. Sentenced to two years in house of correction. Pardon granted February 21, 1877, on the certificate of the prison physician that the convict was in an advanced stage of consumption, and could not recover. The Sheriff and one of the County Commissioners corroborated the physician's statement, and agreed to be responsible for the prisoner's removal to the United States Hospital for Disabled Soldiers in Maine, his native State.

NO. 5. MARY HALLETT. Convicted for violating the liquor law, by Trial Justice James B. Crocker of Barnstable County, January 18, 1877. Sentenced to pay a fine of \$50, and ninety days in the house of correction. Pardon granted February 27, 1877, on condition that the costs should be paid, because the Trial Justice certified, that, had he known the circumstances of the prisoner's family, he would have imposed a sentence of thirty instead of ninety days.

NO. 6. MORTIMER T. DOWNING. Convicted of violating the liquor law: Superior Court, Suffolk County, January term, 1877. Sentenced to pay a fine of \$300, and to three months in house of correction. Pardon granted March 10, 1877, because the Committee was satisfied, that, at the time the offence was committed, the prisoner had abandoned the traffic, and that, although he owned the building, the business was carried on by a tenant.

NO. 7. MAURICE WELSH. Convicted of larceny on three complaints: Police Court, Newburyport, December 18, 1876. Sentenced to nine months in house of correction. Pardon granted March 20, 1877, because a brother of the prisoner was dying of consumption, and desired his presence during his last hours.

NO. 8. CHARLES N. WILLIS. Convicted of keeping a liquor nuisance: Superior Court, Worcester County, January 29, 1877. Sentenced to pay a fine of \$50, and to three months in house of correction. Pardon granted March 20, 1877, on the petition of the District Attorney, the selectmen of Leicester, and many other respectable citizens, on account of the prisoner's sickness, and in order that he might assist his mother, who was in the last stages of consumption.

NO. 9. GEORGE DAVIS. Convicted of breaking and entering: Superior Court, Suffolk County, September 15, 1874. Sentenced to six years in the state prison. Pardon granted March 22, 1877, on the certificate of the prison

physician, that the prisoner was sick with consumption, and could live but a short time. His mother, who had a comfortable home in Taunton, would receive her son, and care for him while he might live.

NO. 10. JOHN LOCHLIN. Convicted of peddling without a license, by Trial Justice Converse of Woburn, in Middlesex County, February 16, 1877. Sentenced to pay a fine amounting, with costs, to \$55.45. Committed to house of correction, in default. Pardon granted March 22, 1877, because the Council was satisfied that the prisoner was ignorant of violating the law, while making a laudable effort to support himself and his family.

NO. 11. JAMES LENOX. Convicted of assault and battery, by Trial Justice Littlefield of Middlesex County, January 23, 1877. Sentenced to two months in house of correction, and to pay a fine amounting, with costs, to \$25.20. Pardon granted March 31, 1877, on the recommendation of the Trial Justice and District Attorney. The prisoner had served the full term of his sentence, and paid the fine; but the order of his two sentences would have prevented his release until two months after May 20. The fine was paid.

NO. 12. ROBERT GALLAGHER and JAMES GALLAGHER, jun. Convicted of assault and battery: Superior Court, Norfolk County, December 11, 1876. Sentenced to six months each in the house of correction. Pardon granted March 31, 1877, on the petition of Hon. F. W. Bird, and other respectable citizens of Norfolk County, stating that the prisoners had previously been industrious, sober, and peaceable citizens; that the person assaulted was an intemperate and quarrelsome person, and that there was strong provocation for the assault.

NO. 13. CHRISTIAN JOHNSON. Convicted of violating the liquor law: Superior Court, Suffolk County, January term, 1877. Sentenced to pay a fine of \$100. Committed to jail in default. Pardon granted April 3, 1877, because the prisoner, who was a Dane, had been in the country but a short time, and was ignorant of the language and laws. He had a license, but unwittingly violated its conditions. The District Attorney certified that he should be satisfied with a fine of \$50; and the payment of that amount was the condition of pardon.

NO. 14. JAMES FITZGERALD. Convicted of felonious assault: Superior Court, Hampden County, May 27, 1875. Sentenced to three years in house of correction. Pardon granted April 10, 1877, on the petition of the Sheriff,

County Commissioners, overseer and physician of the house of correction, setting forth that the prisoner was very sick with consumption, and could live only a short time. An uncle in Hartford would receive and care for him while he might live.

NO. 15. CHARLES MORRIS and FRANK NEWCOMB. Convicted of breaking and entering and larceny in a building: Superior Court, Bristol County, December 22, 1875. Sentenced to three years in state prison. Pardon granted April 17, 1877, because evidence was presented to the Council, which would have materially modified the sentence, had it been known at the time of the trial.

NO. 16. JOHN P. MORAN. Convicted of burning a building: Superior Court, Worcester County, May 29, 1876. Sentenced to two years in house of correction. Pardon granted May 4, 1877, on the recommendation of the District Attorney, who certified, that, if the character of certain of the witnesses on whose testimony the prisoner was convicted, had been known at the time of the trial, Moran would have been acquitted.

NO. 17. JAMES BROWN. Convicted of larceny in a building: Superior Court, Norfolk County, December 11, 1876. Sentenced to one year in house of correction. Pardon granted May 15, 1877, on the certificate of the Sheriff, house physician, and overseers, that the prisoner was in a wretched physical and mental condition. Dr. Cogswell (of the committee), who visited the prisoner, confirmed their statement. The mother of the prisoner stated that she had a comfortable home for her son in Boston.

NO. 18. GEORGE L. CRUMMETT. Convicted of arson: Superior Court, Middlesex County, March 3, 1868. Sentenced to imprisonment for life in the state prison. Pardon granted May 17, 1877, because the prisoner's associates in the crime had been pardoned, and that the law prescribing the penalty therefor was changed in 1871; so that he had served as long a time as he probably would now be sentenced for. Mr. Edward Stanwood of the "Boston Daily Advertiser" promised, that, in case of pardon, the prisoner should go West.

NO. 19. CHARLES L. ROBINSON. Convicted of peddling without a license: Fitchburg Police Court, Worcester County. Sentenced to three months in house of correction. Pardoned June 19, 1877, because the Committee on Pardons were satisfied that the prisoner unintention-

tionally violated the law while endeavoring to earn his living.

NO. 20. PETER SCOTT. Convicted of assault and battery, on two complaints: Somerville Police Court, Middlesex County, November 9, 1876. Sentenced to one year in house of correction. Pardon granted June 21, 1877, for the reason that Justice Story, the Chief of Police, and others who signed the petition, became, subsequent to the trial, possessed of facts, which, if known at the time, would have justified imposing a much lighter sentence. Useful employment awaited the prisoner's release.

NO. 21. EDWARD A. BARNES. Convicted of uttering a forged order: Superior Court, Worcester County, February 12, 1876. Sentenced to three years in house of correction. Pardon granted June 21, 1877, on the certificate of the prison physician, the District Attorney, and the Sheriff, setting forth that the prisoner was very sick, and could not long survive. He would be better cared for outside the prison.

NO. 22. LOUIS LEONHARD. Convicted of larceny, by Trial Justice Joseph D. Fallon: Suffolk County, April 7, 1877. Sentenced to six months in house of correction. Pardon granted June 29, 1877, on the recommendation of the Trial Justice, on account of the youth and previous good character of the prisoner, and because the principal in the crime had escaped punishment. Prisoner's previous employer promised to hire him when released.

NO. 23. MICHAEL HALLIGAN. Convicted of breaking and entering: Superior Court, Worcester County, August 18, 1873. Sentenced to five years in state prison. Pardon granted July 18, 1877, on the petition of the selectmen of Brookfield, and the favorable report of the District Attorney. Prisoner's sister, who has the care of his dependent child, promised to receive and furnish him employment when released.

NO. 24. SAMUEL B. KENNEDY. Convicted of arson: Superior Court, Middlesex County, February 26, 1867. Sentenced to state prison for life. Pardon granted July 18, 1877, because of the favorable suggestion of the District Attorney, warden, and inspectors. The sufferer by the crime of the prisoner desired his release, and he had already served ten years and a half. At the present time the crime would probably be punished by a sentence of not more than ten years.

NO. 25. HENRY J. DANIELS. Convicted of larceny on two complaints: Superior Court, Suffolk County, March

9, 1874. Sentenced to four years in house of correction. Pardon granted July 20, 1877, on the certificate of the prison physician, that the prisoner was very sick, and could not, probably, live out his term. Concurred in by the president of the Massachusetts Medical Society, who examined the convict. His father, a worthy and deeply-afflicted man, desired to receive and succor his son while he might live.

NO. 26. PATRICK GALLAGHER. Convicted of robbery: Superior Court, Norfolk County, April 11, 1876. Sentenced to five years in state prison. Pardon granted July 20, 1877, because, some time after the conviction, evidence was presented to the Trial Justice that raised serious doubts of the prisoner's guilt, and the District Attorney certified that he should be satisfied if a pardon were granted.

NO. 27. PHILIP H. SCOTT. Convicted of larceny: Municipal Court, Suffolk County, October 2, 1876. Sentenced to one year in house of correction. Pardon granted July 20, 1877, because the Trial Justice certified, that, since the trial, he had become possessed of certain facts relative to the prisoner's history and the circumstances of the crime, which, had he known them at the time, would have influenced him to impose a lighter sentence.

NO. 28. DAVID B. ALLEN. Convicted of assault with intent to ravish: Superior Court, Worcester County, May 10, 1875. Sentenced to five years in state prison. Pardon granted August 1, 1877, because the District Attorney strongly recommended it, and because, in consequence of the weakness of the evidence, the case had been permitted to remain on file, without sentence, for more than six years. When sentenced, the prisoner was without counsel, and the judge was not informed of the history of the case: otherwise it would probably have been differently disposed of.

NO. 29. ALFRED BOURQUE. Convicted of embezzlement: South Worcester District Court, Worcester County, May 28, 1877. Sentenced to three months in house of correction. Pardon granted August 1, 1877, because the complainant, and the selectmen of Southbridge, and other citizens, joined the petition, and because the family physician certified that the prisoner's wife and an infant born since his conviction were in a deplorable condition, requiring his aid. The complainant regretted taking action, and the trifling sum embezzled had been restored.

NO. 30. J. FRANK FARNHAM. Convicted of breaking

and entering: Superior Court, Essex County, October 27, 1875. Sentenced to two years in house of correction. Pardon granted August 1, 1877, because the mayor and aldermen of Newburyport, and other citizens, recommended it as satisfying justice, and tending to promote the prisoner's welfare. He was sentenced without counsel, and in the absence of correct information on the part of the judge.

NO. 31. ALLEN L. ROBBINS. Convicted of a series of larcenies: Superior Court, Suffolk County, January 23, 1877. Sentenced to twelve months in house of correction. Pardon granted August, 1877, on the unanimous recommendation of the Board of Directors of Public Institutions, and not objected to by Mr. Harvey D. Parker, from whom the larcenies were committed. The prisoner's father and mother were both deaf and dumb, and his wife and infant in destitute circumstances, requiring assistance.

NO. 32. GEORGE T. COLCORD. Convicted of adultery: Superior Court, Franklin County, November 23, 1876. Sentenced to one year in house of correction. Pardon granted on the petition of the sheriffs of Hampshire and Franklin, the District Attorney, and many other officials and citizens of those counties. The prisoner's wife was in a delicate and destitute condition requiring his presence and succor; and the Committee on Pardons, who visited him in prison, were satisfied of his thorough penitence.

NO. 33. JOHN G. MORSE. Convicted of uttering obscene pictures: Superior Court, Essex County, May 20, 1875. Sentenced to five years in state prison. Pardon granted August 31, 1877, because the petition of many prominent citizens of Essex County, supported by the District Attorney, indicated that public sentiment was strongly in favor of it. The Committee were satisfied beyond a doubt that the complaint was a malicious one, and convinced that important facts, which did not appear at the time of the trial, would, if known then, have secured a sentence shorter than the term which the prisoner had already served.

NO. 34. JOHN W. KNAPP. Convicted of peddling without a license: Cambridge Police Court, Middlesex County, July 5, 1877. Sentenced to pay a fine of \$50, or three months in jail. Committed in default. Pardon granted August 31, 1877, because the offence, which was trifling, arose more from ignorance than a wilful violation of the law. The Trial Justice would have imposed a

much smaller fine, had it been in his discretion to do so. Prisoner had already served 57 days' imprisonment.

NO. 35. FRANK J. COUGHLAN. Convicted of breaking glass, and carrying concealed weapons: Municipal Court, Suffolk County, June 19, 1877. Sentenced to a fine of \$75 and costs, or six months in jail. Committed in default. Pardon granted August 31, 1877, on petition of citizens of Natick, and because the Committee, who visited the prisoner, regarded him as more unfortunate than criminal. There was abundant evidence that the prisoner had always borne a good character, and that the offence was committed while under the influence of liquor, and during his first visit to Boston. The concealed weapons, which were a pair of brass knuckles, were a present; and the prisoner did not know that it was unlawful to carry them. A visit to the prisoner convinced the Committee that the young man did not belong to the criminal class, and that, as before observed, he was more unfortunate in the matter than criminal.

NO. 36. MICHAEL NOLAN. Convicted of larceny: Superior Court, Suffolk County, December term, 1876. Sentenced to two years in house of correction. Pardon granted on the certificate of the prison physician, that the prisoner was very sick with consumption, and would not probably live through the winter. His mother promised to receive and care for him while he might live.

NO. 37. ALMON WARNER (formerly a police officer). Convicted of larceny in a building: Superior Court, Suffolk County, January 1, 1875. Sentenced to five years in state prison. Pardon granted September 14, 1877, on the testimony of influential citizens, together with that of Capt. Vinal of Police Station 2, to the former good character of the prisoner, and the circumstances of peculiar temptation under which the crime was committed. John P. Squire promised to employ prisoner when released.

NO. 38. ALFRED WHITE. Convicted of assault and battery: Superior Court, Barnstable County, October 12, 1876. Sentenced to eighteen months in house of correction. Pardon granted September 29, 1877, because popular opinion favored it, and no public interest would have been subserved by further imprisonment. If the prisoner were guilty, which the Committee regarded as doubtful, they thought he had been sufficiently punished.

NO. 39. BARTHOLOMEW COLLINS. Convicted of larceny, and assault and battery: Superior and Municipal Courts, Suffolk County, July 9, 1877. Sentenced to six-

teen months in house of correction. Pardon granted September 29, 1877, solely on the ground of the insanity of the prisoner when committed and since. He has been committed to the hospital for the insane.

NO. 40. JAMES BAGLEY. Convicted of assault and battery; Municipal Court, Suffolk County, December 22, 1876. Sentenced to pay a fine, amounting, with costs, to \$25.25. Committed to house of industry in default. Pardon granted on petition of the prisoner's wife (the person assaulted), who is unable to pay the fine, being very poor and in need of his assistance, and because the offence was trifling, and the prisoner, in the opinion of the Council, already sufficiently punished.

NO. 41. CHRISTOPHER BRADLEY. Convicted of violating the license law: Superior Court, Middlesex County, June 25, 1877. Sentenced to pay a fine of \$100 and costs, or imprisonment in house of correction. Pardon granted September 29, 1877, on testimony of City Marshal and the District Attorney, who favored it. There was a misunderstanding in this case at the time of trial; and the Committee were doubtful whether the prisoner should have been sentenced at all.

NO. 42. CHARLES D. BISBEE. Convicted of arson: Superior Court, Middlesex County, July 14, 1876. Sentenced to three years state prison. Pardon granted October 30, 1877, on petition of the District Attorney, who strongly recommended it for reasons set forth in his report, supported by testimony of prominent citizens of Lowell.

NO. 43. ROBERT FURLONG. Convicted of larceny: Municipal Court, Suffolk County, August 15, 1877. Sentenced to six months in house of correction. Pardon granted November 14, 1877, on account of the trifling nature of the offence, and because the interests of justice would not be subserved by further confinement.

NO. 44. MATTHEW BRADY. Convicted of breaking and entering, accessory before the fact: Superior Court, Middlesex County, February, 1876. Sentenced to three years in house of correction. Pardon granted November 23, 1877, on the testimony of the Mayor and ex-Mayor of Lowell, and other prominent citizens. The prisoner was very sick, and would be properly cared for at home in Lowell.

NO. 45. JAMES E. CARNEY. Convicted of larceny: Superior Court, Suffolk County, June, 1876. Sentenced to one year and ten months in house of correction. Pardon granted December 1, 1877, on the certificate of the

prison physician, that the prisoner was in very poor health, and not likely to recover. There was a mistake at the trial, which caused a longer sentence than prisoner should have received.

NO. 46. EDWARD W. PITTS. Convicted of forgery: Superior Court, Worcester County, May 21, 1877. Sentenced to one year in house of correction. Pardon granted December 8, 1877, on the testimony of the Trial Justice, District Attorney, Sheriff, keeper of prison, and others, who strongly recommended it. Prisoner was subject to frequent epileptic fits, which would probably speedily terminate his life.

NO. 47. WILLIS E. BARBER. Convicted of peddling without a license: Third District Court, Worcester County, October 8, 1877. Sentenced to pay a fine of \$50, or three months in jail. Convicted in default. Pardon granted December 8, 1877, because the Committee were convinced that prisoner unwittingly violated the law while endeavoring to earn a living.

NO. 48. THOMAS BROWN, 3d. Convicted of assault with intent to rob: Superior Court, Suffolk County, September, 1874. Sentenced to four years in state prison. Pardon granted December 13, 1877, on the certificate of the prison physician, that the prisoner was in the last stages of consumption, with prospect of speedy death. His brother promised to receive and care for him while he might live.

NO. 49. HENRY C. LEONARD. Convicted of larceny on five complaints: Superior Court, Worcester County, May 22, 1873. Sentenced to twelve years in state prison. Pardon granted December 25, 1877, on the recommendation of the present and former District Attorney, and evidence of prisoner being a thoroughly reformed man, with the promise of useful employment by his friends.

NO. 50. HERBERT L. STRATTON. Convicted of burglary: Worcester County. Sentenced to ten years in state prison. Pardoned December 25, 1877, on the strong recommendation of the District Attorney, and because public sentiment was greatly in favor of his release. There were mitigating circumstances which could not have been made to appear at the time of the trial, but which have since been presented to the consideration of the Committee on Pardons.

NO. 51. ALBERT WAUGH. Convicted of breaking and entering: Superior Court, Middlesex County, July 8, 1875. Sentenced to five years in state prison. Pardon granted

December 25, 1877, because justice and the interests of society did not require further imprisonment, and because satisfactory evidence was presented, that the prisoner's professed reformation was genuine. He had a comfortable home in Lowell, and friends to aid and encourage him to lead a correct and useful life.

[To the Senate, February 7.]

I have the honor herewith to present, for the consideration of the General Court, the Fifteenth Annual Report of the Massachusetts Agricultural College.

[To the House of Representatives, February 25.]

I have the honor herewith to present for the consideration of the General Court the Annual Report of the Adjutant-General of the Commonwealth, for the year ending December 31, 1877.

[To the Senate, March 1.]

I have the honor herewith to transmit, for the consideration of the General Court, the Report of the Manager of the Troy and Greenfield Railroad and Hoosac Tunnel for the year ending Dec. 31, 1877.

[To the House of Representatives, March 25.]

I have the honor most respectfully to submit to the Legislature a communication from the Board of Inspectors of the State Prison, and to ask the early consideration which its importance seems to demand.

[To the House of Representatives, May 8.]

I have the honor herewith to transmit a communication addressed to me by the Board of Trustees of the State Lunatic Hospital at Danvers, which seems to require the consideration of the Legislature.

[To the Senate, May 15.]

I have the honor herewith to transmit a communication addressed to me by the Adjutant-General, to which I invite your respectful consideration.

[To the House of Representatives, May 14.]

I have the honor to transmit herewith a communication from the Attorney-General of the Commonwealth, and an order in Council relating thereto, which I commend to the respectful consideration of the Legislature.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties:—

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Jan. 8, .	Cora Estella Carter,*	Cora Estella Powers,	North Conway, N.H.
8, .	Willie Wallace Lewis,	Willie Wallace Lunt,	Boston.
22, .	Marcia Harris Clarke,*	Nellie May Sunbury,	Portland, Me.
22, .	Alice Dunbar Cox,*	Alice Dunbar Heustis,	Boston.
22, .	Nettie Maria Ferrell,*	Nettie Maria Battelle,	Chelsea.
27, .	Georgina Scott Page,*	Jessie Anna Prescott,	Boston.
29, .	Florence Royle Smith,*	Florence Delano Howland,	Boston.
Feb. 19, .	Daniel P. Walker,*	Daniel Walker Brintnall,	East Wakefield, N.H.
26, .	James Quinn,*	Jerome Buonaparte Look,	Athol, Worcester Co.
Mar. 5, .	Joseph Riley,*	Joseph Dolan,	Boston.

Mar. 5, .	Thomas Riley,*	.	.	.	Thomas Dolan,	.	.	Boston.
5, .	Edward Riley,*	.	.	.	Edward John McCauley,	.	.	Boston.
19, .	Frank Wright,*	.	.	.	Frank Wright Hawes,	.	.	Abington, Plymouth Co.
26, .	John Francis Walsh,*	.	.	.	John Francis Martin,	.	.	Boston.
Apr. 2, .	—————,*	.	.	.	Jennie May Twiss,	.	.	Chelsea.
2, .	Mary Jane McNabb,	.	.	.	Mary Wright,	.	.	Boston.
9, .	Edward Walter Allen,*	.	.	.	Edward Walter Kitchen,	.	.	Boston.
23, .	Ada Fisher,*	.	.	.	Ada Fisher Laurence,	.	.	Boston.
23, .	George Augustus Piper,	.	.	.	George Augustus Raymond,	.	.	Boston.
30, .	Frank A. Smith,	.	.	.	Frank A. Locke,	.	.	Boston.
30, .	James Stewart Kibbey,	.	.	.	James Stewart King,	.	.	Boston.
May 21, .	John O'Neal,	.	.	.	John Neal,	.	.	Boston.
28, .	Joseph John Liever,	.	.	.	Joseph John Todd,	.	.	Boston.
June 25, .	Mabelle Louise Frye,	.	.	.	Mabelle Louise Southwick,	.	.	Boston.
July 2, .	Maria Frances Welch,*	.	.	.	Maria Frances Emerson,	.	.	Swampscott, Essex Co.
9, .	Clara Angeline Murphy,*	.	.	.	Clara Angeline Hadley,	.	.	Lynn, Essex Co.
9, .	Frederick Weeks,*	.	.	.	Frederick Joseph Shields,	.	.	Boston.
16, .	Elizabeth Mason,*	.	.	.	Theresa Pauline Smith,	.	.	Boston.
30, .	Emily Kronenwirth,*	.	.	.	Emily Schluth,	.	.	Somerville.

* Names changed by reason of adoption.

SUFFOLK COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Aug. 6, .	Frederick S. Howard,*.	Frederick S. Fowler, .	Boston.
Sept. 3, .	Henry Wallace Green,*.	Henry Wallace Sargent,	Cotuit, Barnstable Co.
10, .	Charles Wheeler Clark,*.	Frederick Henry Weld,	Boston.
Oct. 8, .	Elizabeth McNulty,*.	Elizabeth Burns, .	Boston.
8, .	James McNulty,*.	James Burns, .	Boston.
8, .	Mary T. McNulty,*.	Mary T. Burns, .	Boston.
8, .	Ellen McNulty,*.	Ellen Burns, .	Boston.
8, .	Charlotte Hartshorn,*.	Elizabeth Gray Cabot, .	Germantown, Penn.
8, .	Ellen Maud Mallon,*.	Harriet Maud Day, .	Boston.
20, .	———, *	Florence Pearl Garland,	Boston.
20, .	Jessie Agnes McGregor,*.	Mabel Parkington, .	Boston.
20, .	John Morgan,*.	Frederic Douglas Hall, .	Boston.
20, .	William Roche, .	Charles Christopher Grover, .	Boston.
Nov. 5, .	George Frellick,*.	Arthur Lane Sampson, .	Boston.
5, .	Henry Byron Means,*.	Henry Means Bowles, .	Boston.
5, .	Francis Joseph McWill,*.	Francis Henry Blair, .	Boston.

Nov. 12, .	Frank Mack,*	.	.	.	Frank Washington Barrows, .	.	Boston.
12, .	Rollin Thorne Hayden, .	.	.	.	John Ellerton Vassall Hayden, .	.	Boston.
19, .	Susie Laura Tucker,*	.	.	.	Susie Caroline Nason, .	.	Lawrence, Essex Co.
26, .	Anna Laura Staple,*	.	.	.	Laura Elliot Cunningham, .	.	Boston.
26, .	Charles Henry Hall,*	.	.	.	Charles Frederic Gustin, .	.	Boston.
26, .	Emma Corliss Partlow,*	.	.	.	Emma Isabella Nichols, .	.	Boston.
Dec. 3, .	Maria Gertrude Macdonald,*	.	.	.	Blanche Emily Moulton, .	.	Boston.
3, .	Mary Tolles Edgerton,*	.	.	.	Adelia Landon, .	.	Boston.
10, .	Bradford Gibbs, .	.	.	.	Franklin Bradford Gibbs, .	.	Boston.
17, .	John Henry Bohaker, .	.	.	.	John Henry Bowker, .	.	Boston.
31, .	Abby Budson,*	.	.	.	Mabel St. Armand Stone, .	.	Boston.
31, .	Caroline Amelia Wait,*	.	.	.	Lottie McLean, .	.	Boston.
31, .	Julia Wood,*	.	.	.	Ida Gertrude Norton, .	.	Boston.

ESSEX COUNTY.

Feb. 5, .	Nellie Flynn,*	.	.	.	Nellie Flynn Quarters, .	.	Lynn.
5, .	George McVane,*	.	.	.	Frank Malcolm Vella, .	.	Lynn.
Mar. 19, .	Aunie Ellen Connors,*	.	.	.	Annie Ellen Wilkinson, .	.	Lawrence.

* Names changed by reason of adoption.

ESSEX COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Mar. 21, . . .	Aaron Hill Ethridge, . . .	Walter Hill Ethridge, . . .	Salem.
Apr. 30, . . .	Clarence Eugene Ramsden, . . .	Clarence Eugene Robinson, . . .	Lawrence.
May 8, . . .	Clarence Waters Jenkins, . . .	Lawrence Waters Jenkins, . . .	Salem.
28, . . .	Sarah Thurston Osgood,* . . .	Sarah Elizabeth Thurston, . . .	Amesbury.
June 11, . . .	Alfred Thorndike Lee,* . . .	Lewis Thorndike Armstrong, . . .	Lynn.
25, . . .	— Alden,* . . .	Charles Melvin Hoyt, . . .	Newburyport.
July 9, . . .	James Henry Smith,* . . .	James Henry Loflin, . . .	Salem.
9, . . .	Eva Maud Wildes,* . . .	Eva Maud Hubbard, . . .	Georgetown.
9, . . .	John Joseph Withy, . . .	John Withy Bell, . . .	Andover.
11, . . .	Lydia Thompson, . . .	Lydia Messervey, . . .	Marblehead.
16, . . .	Ida May Jones,* . . .	Ida May Butterfield, . . .	Lawrence.
23, . . .	Charles Augustus Robinson,* . . .	Charles Augustus Lanzey, . . .	Lynn.
Sept. 10, . . .	Frederick Covey,* . . .	Charles Frederick Greenleaf, . . .	Lawrence.
15, . . .	Eva Dalrymple, . . .	Eveline Creevy, . . .	Salem.
Oct. 22, . . .	Sadie Victoria Squires,* . . .	Gertrude Clifton Austin, . . .	Gloucester.
Nov. 12, . . .	Florence Mabel Smith,* . . .	Alice Sargent Haskell, . . .	Beverly.

Nov. 12, .	. . .	Enoch Howard Stacy,*	. . .	Enoch Howard Butler, .	. . .	Bradford.
Dec. 3, .	. . .	Herbert S. Palmer,*	. . .	Herbert S. Cushman, .	. . .	Somerville.
17, . .	. . .	Catherine Connelly,*	. . .	Catherine Healey, .	. . .	Lynn.
17, . .	. . .	Laura May Hunt,*	. . .	Laura May Hunt Deland,	. . .	Salem.

MIDDLESEX COUNTY.						
Jan. 9, .	. . .	Mary Elizabeth Cragen.	. . .	Bertha Crane Stone,	. . .	Newton.
16, . .	. . .	Mary Etta O'Niel,	. . .	Mary Etta Harris,	. . .	Lowell.
16, . .	. . .	Carrie Edna Jones,	. . .	Carrie Edna Russell,	. . .	Lowell.
16, . .	. . .	Dora Bell Jones, .	. . .	Dora Bell Russell,	. . .	Lowell.
16, . .	. . .	George Hall Jones,	. . .	George Hall Russell,	. . .	Lowell.
23, . .	. . .	Abbie Frances Hall,	. . .	Abbie Frances Dennison,	. . .	Cambridge.
Feb. 27, .	. . .	Carlotta Maun,	. . .	Carlotta Thompson,	. . .	Lowell.
Mar. 13, .	. . .	Elizabeth Mary Tully,	. . .	Elizabeth Mary Crosby,	. . .	Billerica.
27, . .	. . .	Gertrude Ellis,	. . .	Clara Rebecca Robinson,	. . .	Lexington.
27, . .	. . .	Katie E. Felch,	. . .	Evelyn Katie Waters,	. . .	Newton.
27, . .	. . .	Rachel Scott,	. . .	Rachel Wagner,	. . .	Maynard.
April 3, .	. . .	Nellie Anderson,	. . .	Ella Moulton,	. . .	Cambridge.

* Name changed by reason of adoption.

MIDDLESEX COUNTY — *Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
April 3, . . .	Minnie May Bodwell, . . .	Daisy Affelroy, . . .	Malden.
3, . . .	Sarah Lee Bartlett Ryan, . . .	Sarah Lee Bartlett, . . .	Cambridge.
10, . . .	Annie E. Connor, . . .	Annie Elizabeth Connor Baker, . . .	Malden.
10, . . .	Charles Dexter Boutelle, . . .	Charles Dexter Appleton, . . .	Cambridge.
24, . . .	Augustus Bernard Carter Berg, . . .	Edgar Francis Viles, . . .	Waltham.
May 1, . . .	Mary E. Young, . . .	Mary Elizabeth Bickford, . . .	Sherborn.
8, . . .	Emma Louise Ashton, . . .	Emma Louise Blood, . . .	Natick.
June 5, . . .	Carrie Alger, . . .	Carrie Shattuck, . . .	Towusend.
26, . . .	Walter Clark Macy, . . .	Walter Emerson, . . .	Melrose.
July 24, . . .	Effie Abbie Cross, . . .	Effie Abbie Bailey, . . .	Cambridge.
24, . . .	Florence Sibyl Wyman, . . .	Ina Florence Wiggins, . . .	Stoneham.
Sept. 25, . . .	Grace Horton McCleary, . . .	Susan Grace Horton, . . .	Chelsea.
Oct. 2, . . .	Charles Henry Belgea, . . .	Charles Henry Benis, . . .	Stow.
9, . . .	Margaret Sears, . . .	Maud Berdine Hodgdon, . . .	Somerville.
9, . . .	Bertha Grace, . . .	Jennie Kimball Jewett, . . .	Malden.
9, . . .	James Arthur Bradshaw, . . .	James Arthur Doyle, . . .	Cambridge.

Oct. 23, .	Susan Maria Chamberlain, .	Nettie Coffin, .	Winchester.
23, .	Marrie Burns, .	Marrie Lincoln, .	Somerville.
23, .	Stella E. Beaman, .	Stella E. Reed, .	Westford.
Nov. 6, .	Adeline Hackett, .	Edith Helen Foole, .	Waltham.
6, .	Grace Johanson, .	Grace Buzzell, .	Everett.
6, .	Cheyletta Francis Thomas, .	Mabel Blanch Atwood, .	Lowell.
27, .	Robert Henry Hannah, .	Robert George Simmons, .	Woburn.
13, .	Annie Cunningham, .	Gracie Edna Chapin, .	Lowell.
20, .	Edith Marion Wetherbee, .	Edith Marion Wetherbee Spaulding, .	Dunstable.
20, .	Grace Welch, .	Gracie Annie Felch, .	Lowell.
20, .	Alice Blodgett, .	Gertrude Boynton Hayward, .	Somerville.
Dec. 4, .	Estha Valentine Wiggin, .	Helen Maria Eastman, .	Melrose.
4, .	Emma Florence Davis, .	Gertrude May Davis, .	Lowell.
11, .	Woodbury Wallace Sweeney, .	Woodbury Wallace Smith, .	Wakefield.
11, .	Francenia H. Pratt, .	Francenia H. Jackson, .	Waltham.
11, .	William Albert Pratt, .	William Albert Jackson, .	Waltham.
11, .	Ama Francenia Pratt, .	Ama Francenia Jackson, .	Waltham.
11, .	Ida May Pratt, .	Ida May Jackson, .	Waltham.

WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Jan. 16, .	_____ , .	Maud Eliza Wilder, .	Sterling.
16, .	_____ , .	Ernest Warren Howe, .	West Boylston.
16, .	Emma E. Hastings, .	Emma Hastings Gladwin, .	Worcester.
16, .	Charles Edwin Chamberlain, .	Charles Edwin Chamberlain Marble, .	Sutton.
Feb. 6, .	Walter Henry Barrell, .	Walter Henry Wallace, .	Winchendon.
6, .	Mary Jane Rivers, .	Mary Jane Blair, .	West Boylston.
Mar. 20, .	H. Norman Grover, .	Norman Grover Smith, .	Westborough.
20, .	Maud Clary, .	Emily Louisa Harper, .	Dudley.
20, .	John Herbert Whitney, .	John Herbert Haygood, .	Leominster.
20, .	Oscar Paine Ellison, .	Oscar Paine Chase, .	Northbridge.
April 17, .	George W. Wright, .	Oscar Frederick Ball, .	Holden.
17, .	Lydia Adelaide Robinson, .	Bertha Adelaide Willard, .	Harvard.
May 1, .	George Edgar, .	George Edgar Heald, .	Southbridge.
1, .	Rosa E. Elliott, .	Rosa Elmira Elliott Aldrich, .	Oxford.
June 5, .	Hattie Francena Clemans, .	Alice Maria Holman, .	Westborough.
5, .	Joseph H. Whalon, .	Joseph Henry Lashna, .	Ashburnham.

June 5, . . .	Charles M. Whalon, . . .	Charles Moses Stainbridge, . . .	Fitchburg.
5, . . .	Harriet Louisa Landers, . . .	Harriet Louise Landers Jefferts, . . .	Milford.
19, . . .	Flora Augusta Sherman, . . .	Flora Augusta Johnson, . . .	Worcester.
July 17, . . .	William Dyer, . . .	William Dyer Sullivan, . . .	Leominster.
17, . . .	Minnie Adams, . . .	Lillie Adams Rand, . . .	Clinton.
Sept. 4, . . .	Lillie Adams Rand, . . .	Susan Pamela Smith, . . .	Clinton.
4, . . .	Charlotte Amanda Landers, . . .	Charlotte Amanda Mackowen, . . .	Milford.
18, . . .	Cyrus Bertram Combs, . . .	Cyrus Bertram Black, . . .	Princeton.
Oct. 2, . . .	Gertrude M. Farrar, . . .	Gertrude M. Fletcher, . . .	Lancaster.
Nov. 6, . . .	Agnes P. Bohanan, . . .	Lillian Agnes Willard, . . .	Fitchburg.
20, . . .	Arlon Jason Moore, . . .	Arlon Jason Jeffers, . . .	Northbridge.
20, . . .	Emma L. Farwell, . . .	Gracie Emma Hutchinson, . . .	Fitchburg.

HAMPSHIRE COUNTY.

Jan. 9, . . .	Bertha H. Maurer,* . . .	Bertha H. Baker, . . .	Amherst.
9, . . .	Herbert Holden,* . . .	Herbert P. Bardwell, . . .	{ Northampton (Florence).
Feb. 6, . . .	Walter S. Hodge,* . . .	Walter F. Gaylord, . . .	Amherst.

* Names changed by reason of adoption.

HAMPSHIRE COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
July 3, . . .	Annie O. Donnell,*	Annie Fabey,	Northampton.
Dec. 5, . . .	Grace E. Chester,*	Grace Evelyn Dyer,	Plainfield.
5,	Mabel Scott,*	Jennie Mabel Sears,	Plainfield.

HAMPDEN COUNTY.

Jan. 2, . . .	Minnie Elizabeth Goodrich,*	Minnie Estelle Henry,	Wales.
Feb. 6, . . .	Carl M. Townsend,*	Carl Standish Meacham,	Chicopee.
June 5, . . .	Lewis Raymond Bucklin,*	Louis Raymond Miller,	Springfield.
Sept. 4, . . .	Kate Fitzgerald,*	Kate Hayes,	Springfield.
4,	George Avery Burbank,*	George Avery Butterfield,	Springfield.
4,	Emily Etta Miller,*	Etta Miller Kelly,	Chicopee.
21,	Ella Louisa Freeborn,*	Edith Ella Abbott,	Holyoke.
Oct. 2, . . .	Lillie A. Frohlick,*	Lillie A. Miller,	Westfield.
Nov. 7, . . .	Susie Aloney Benson,*	Susie Aloney Wilbur,	Springfield.

Nov. 22, . . .	Dennis Mahoney,	William Dennis Mahoney,	Palmer.
Dec. 4, . . .	Henry Taylor,*	Henry Taylor Moran,	Wilbraham.

FRANKLIN COUNTY.

May 22, . . .	George Weaver,*	Charles W. Amidon,	Montague.
Dec. 4, . . .	James M. Sweeney,	James M. Duncan,	Shelburne.

BERKSHIRE COUNTY.

Jan. 4, . . .	Clarence Daniels,	Clarence Daniels Mallery,	New Ashford.
Mar. 13, . . .	Maud Elizabeth Mullins,	Maud Elizabeth Farrar,	Lee.
May 1, . . .	George Benoit,	George Benoit Gordon,	Washington.
1, . . .	Nicholas Paddock,	Nicholas Carpenter,	Stockbridge.
1, . . .	Lizzie Mason,	Lizzie Carpenter,	Stockbridge.
June 5, . . .	William Henry Sanders,	William Henry Sanford,	Pittsfield.
Sept. 4, . . .	Bertha Watson,	Bertha Watson Young,	Lee.
4, . . .	Theodore Pomeroy Whittelsey,	Theodore Pomeroy Whittelsey Power,	Pittsfield.
4, . . .	Charles Whittelsey,	Charles Whittelsey Power,	Pittsfield.

* Names changed by reason of adoption.

BERKSHIRE COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Deceased.	Residence.
1877.			
Oct. 2, . . .	Adelia Sarah Dickinson, . . .	Sarah Emily McCarthy, . . .	Pittsfield.
Nov. 7, . . .	Lettie Bell Lewis, . . .	Lettie Bell Carpenter, . . .	Pittsfield.
7, . . .	Thomas Kidd, . . .	Thomas Charles Halmnenan, . . .	Pittsfield.
Dec. 5, . . .	Grace Mason, . . .	Grace Yale, . . .	Stockbridge.

NORFOLK COUNTY.

Jan. 24, . . .	Anna H. Fisher,*, . . .	Anna H. Ware, . . .	Wrentham.
Feb. 28, . . .	Mary Alice Thomas Roach,*, . . .	Carrie Milton Tucker, . . .	Milton.
28, . . .	Roy Sumner Smith,*, . . .	Roy Sumner Paine, . . .	Foxborough.
April 11, . . .	Walter John Welsh,*, . . .	Walter John Hade, . . .	Quincy.
May 16, . . .	Mary Elizabeth Pierce,*, . . .	Sadie Frances Dodge, . . .	Medfield.
June 20, . . .	— — — — Snell,*, . . .	Ellis Gilbert Simpson, . . .	Needham.
20, . . .	Grace Howell Smith,*, . . .	Grace Howell Pond, . . .	Norwood.
July 25, . . .	Clara Amelia Howard,*, . . .	Clara Amelia Johnston, . . .	Hyde Park.
Nov. 7, . . .	Lillian Bryant,*, . . .	Hope Beatrice Hayes, . . .	Brookline.

Nov. 14, . . .	Nellie Hutchinson,* . . .	Nellie Webb Allen, . . .	Braintree.
Oct. 3, . . .	Caroline Elizabeth Cheetham,* . . .	Caroline Elizabeth Southwick, . . .	Needham.
Dec. 19, . . .	Johanna Bates Bramble,* . . .	Mabel Bates Burl, . . .	Milton

BRISTOL COUNTY.

Jan. 5, . . .	Rachel Cartledge, . . .	Rachel Crighton, . . .	Fall River.
12, . . .	Ada Medora Carrier, . . .	Ada Medora Leonard, . . .	Taunton.
Feb. 2, . . .	William Mitchell, . . .	William Mitchell Briggs, . . .	Fall River.
Mar. 30, . . .	Eldo Alden Hackett, . . .	Eldora Alden Hathaway, . . .	Taunton.
April 6, . . .	Sarah Crowther, . . .	Lena J. Peirce, . . .	Fall River.
20, . . .	Jennie Geagan alias Galligan, . . .	Ella Jane Mattison, . . .	Fall River.
May 11, . . .	Mary S. S. Robinson, . . .	Mary S. S. Thomas, . . .	New Bedford.
25, . . .	Mary Ann McIntire, . . .	Cornelia Swift Aiken, . . .	Westport.
June 15, . . .	Sarah Maria Walker, . . .	Sarah Maria Cooley, . . .	Taunton.
July 13, . . .	Welcome Square Leonard, . . .	Welcome Square Borden, . . .	Westport.
Aug. 3, . . .	Catherine Lowe Hankerson, . . .	Elizabeth Lowe, . . .	New Bedford.
Nov. 2, . . .	James E. Crowther, . . .	Alfred E. Rainford, . . .	New Bedford.
2, . . .	Mary Hannah Crowther, . . .	Mary Hannah Higliam,* . . .	New Bedford.

* Name changed by reason of adoption.

BRISTOL COUNTY—*Concluded.*

Date of Decree.	Original Name.	Name Decreed.	Residence.
1877.			
Nov. 2, . . .	Charles Delano, . . .	Charles Ezra Potter Delano, . . .	New Bedford.
23, . . .	Margaret Ann McKenzie, . . .	Margaret Ann McPhee, . . .	Attleborough.
30, . . .	Nellie A. Hall, . . .	Nellie A. Hopkins, . . .	Norton.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
Jan. 8, . . .	Mary I. Costello,* . . .	Mary Isabella Clifford, . . .	Kingston.
22, . . .	Estella W. Pratt,* . . .	Ella Pratt Stone, . . .	Carver.
Feb. 12, . . .	Samuel Bibbey,* . . .	George Heance, . . .	Plymouth.
April 9, . . .	Etta Brown,* . . .	Ellen Thayer Bourne, . . .	Marshfield.
June 25, . . .	Unnamed,* . . .	Marion Whiton Sprague, . . .	Hingham.
Sept. 10, . . .	Lucy F. Vail,* . . .	Sarah Palmer Stone, . . .	Carver.
Oct. 15, . . .	Selina Seldin,* . . .	Selina Haldin, . . .	Brockton.
15, . . .	Barnabas Clark Ellis, . . .	Clark Ellis, . . .	Plymouth.
Nov. 12, . . .	Ira F. Hackett,* . . .	Ira F. Hathaway, . . .	Wareham.
26, . . .	Moritz Krane,* . . .	Warren N. Landers, . . .	Brockton.

Dec. 10, . . .	Anna E. Lucas,* . . .	Anna E. Dunham, . . .	Plymouth.
10, . . .	Idella Dean Almy,* . . .	Grace Idella Robbins, . . .	Carver.
Dec. 24, . . .	Lillian Adelaide Patterson,* . . .	Lillian Adelaide Gayner, . . .	Brockton.

BARNSTABLE COUNTY.			
Feb. 13, . . .	Clarence Austin Smith, . . .	Clarence Austin Cook, . . .	Provincetown.
May 14, . . .	Edward Grant Wixon, . . .	Remark E. Wixon, . . .	Dennis.
June 19, . . .	Thomas W. Easterbrooks, . . .	Thomas Smith Easterbrooks, . . .	Barnstable.
Oct. 22, . . .	Otis E. Hawes, . . .	Otis E. Kelley, . . .	Dennis.

* Name changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF THE
Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1878.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
ALEXANDER H. RICE,
GOVERNOR.

GEORGE H. CAMPBELL, *Private Secretary.*

HIS HONOR
HORATIO G. KNIGHT,
LIEUTENANT-GOVERNOR.

COUNCIL—(By Districts).

I.—JOSEPH K. BAKER.	V.—HARMON HALL.
II.—HARRISON TWEED.	VI.—JOSEPH A. HARWOOD.
III.—FRANCIS CHILDS.	VII.—WILLIAM UPHAM.
IV.—WILLIAM W. TUCKER.	VIII.—TILLY HAYNES.

HENRY B. PEIRCE,

SECRETARY OF THE COMMONWEALTH.

HENRY J. COOLIDGE, *1st Clerk.* ISAAC H. EDGETT, *2d Clerk.*

CHARLES ENDICOTT,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* JOHN Q. ADAMS, *2d Clerk.*

JULIUS L. CLARKE,

AUDITOR.

AUGUSTUS BROWN, *1st Clerk.* EDWARD S. DAVIS, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

WILLIAM CALEB LORING, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1876.

SENATE.

President—JOHN B. D. COGSWELL.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Henry B. Hill, . . .	Boston.
Second “ . . .	Marcellus Day, . . .	Boston.
Third “ . . .	Michael J. Flatley, . . .	Boston.
Fourth “ . . .	James White, . . .	Boston.
Fifth “ . . .	Thomas Gogin, . . .	Boston.
Sixth “ . . .	Alvah A. Burrage, . . .	Boston.
Seventh “ . . .	Albert Palmer, . . .	Boston.
Eighth “ . . .	Joseph S. Ropes, . . .	Boston.
First Essex, . . .	Amos F. Breed, . . .	Lynn.
Second “ . . .	James J. H. Gregory, . . .	Marblehead.
Third “ . . .	Allan Rogers, . . .	Gloucester.
Fourth “ . . .	George W. Cate, . . .	Amesbury.
Fifth “ . . .	Jackson B. Swett, . . .	Haverhill.
Sixth “ . . .	Byron Truell, . . .	Lawrence.
First Middlesex, . . .	Benjamin F. Hayes, . . .	Medford.
Second “ . . .	Robert R. Bishop, . . .	Newton.
Third “ . . .	Chas. Theodore Russell, . . .	Cambridge.

District.	Name of Senator.	Residence.
Fourth Middlesex, .	Luther H. Sherman, .	Wayland.
Fifth " . .	Amos J. Saunders, . .	Pepperell.
Sixth " . .	Abraham B. Coffin, . .	Winchester.
Seventh " . .	James C. Abbott, . .	Lowell.
First Worcester, .	George S. Barton, . .	Worcester.
Second " . .	William Knowlton, . .	Upton.
Third " . .	Ebenezer B. Lynde, . .	W. Brookfield.
Fourth " . .	Charles Adams, jun., .	N. Brookfield.
Fifth " . .	Charles H. Merriam, .	Leominster.
First Hampden, .	Charles L. Gardner, .	Palmer.
Second " . . .	Henry C. Ewing. . .	Holyoke.
Hampshire, . .	Lewis N. Gilbert, . .	Ware.
Franklin, . . .	Henry Winn, . . .	Buckland.
North Berkshire, .	Fred'k P. Brown, . .	Adams.
South " . . .	Horace J. Canfield, .	Stockbridge.
First Norfolk, . .	Henry F. Barker,* . .	Quincy.
Second " . . .	Frederick D. Ely, . .	Dedham.
First Plymouth, .	Joseph S. Beal, . . .	Kingston.
Second " . . .	Jonathan White, . . .	Brockton.
First Bristol, . .	Ezra Davol, . . .	Taunton.
Second " . . .	Charles J. Holmes, . .	Fall River.
Third " . . .	Hosea M. Knowlton, .	New Bedford.
Cape,	John B. D. Cogswell, .	Yarmouth.

STEPHEN N. GIFFORD, *Clerk.*

ISAAC DUNHAM, *Chaplain.*

O. F. MITCHELL, *Sergeant-at-Arms.*

* Deceased March 2. William A. Hodges of Quincy elected to fill vacancy, April 2.

HOUSE OF REPRESENTATIVES.

Speaker — JOHN D. LONG.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . {	Edwin R. Webster, . Eben. M. McPherson,	Boston. Boston.
2d,	Boston, Ward 2, . {	James L. Walsh,* . S. F. Whitehouse, .	Boston. Boston.
3d,	Boston, Ward 3, . {	Eugene L. Norton, . Freeman L. Gilman,	Boston. Boston.
4th,	Boston, Ward 4, .	John Turner, . .	Boston.
5th,	Boston, Ward 5, . {	Nahum Chapin, . Charles R. Byram, .	Boston. Boston.
6th,	Boston, Ward 6, . {	Cornelius Desmond, Anthony C. Daley, .	Boston. Boston.
7th,	Boston, Ward 7, . {	S. H. Wentworth, . Daniel Doherty, .	Boston. Boston.
8th,	Boston, Ward 8, . {	Francis Gargan, . James L. Locke, .	Boston. Boston.
9th,	Boston, Ward 9. . {	George W. Lowther, Edwin F. Leighton,	Boston. Boston.
10th,	Boston, Ward 10. . {	Clement Hugh Hill, Alex. Wadsworth, .	Boston. Boston.
11th,	Boston, Ward 11, . {	Charles J. Prescott, . Hamilton A. Hill, .	Boston. Boston.
12th,	Boston, Ward 12, . {	Edward J. Jenkins, . Patrick F. Murphy, .	Boston. Boston.
13th,	Boston, Ward 13, . {	James T. Mahony, . John B. Shea, .	Boston. Boston.
14th,	Boston, Ward 14, . {	Charles J. Noyes, . Alonzo Bancroft, .	Boston. Boston.

* Resigned May 17.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15, . }	Alonzo Warren, . S. A. Stackpole, .	Boston. Boston.
16th,	Boston, Ward 16, . }	Joseph H. O'Neill, . Frederic A. Marden, .	Boston. Boston.
17th,	Boston, Ward 17, . }	Albert E. Pillsbury, . J. Q. A. Brackett, .	Boston. Boston.
18th,	Boston, Ward 18, . }	Charles H. Allen, . Henry D. Hyde, .	Boston. Boston.
19th,	Boston, Ward 19, . }	James H. Nugent, . Charles V. Jaeger, .	Boston. Boston.
20th,	Boston, Ward 20, . }	William S. King, . Payson E. Tucker, .	Boston. Boston.
21st,	Boston, Ward 21, . }	John F. Newton, . William Blanchard, .	Boston. Boston.
22d,	Boston, Ward 22, .	Wm. H. Carberry, .	Boston.
23d,	Boston, Ward 23, . }	H. A. Johnson, . Matthew Bolles, .	Boston. Boston.
24th,	Boston, Ward 24, . }	Joseph Wiswell, . Fred. P. Moseley, .	Boston. Boston.
25th,	Boston, Ward 25, .	George A. Wilson, .	Boston.
26th,	{ Chelsea, Revere, Winthrop, }	{ William Robinson, . Eben Hutchinson, . Ensign Kimball, . }	Chelsea. Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Rockport, Gloucester, Ward 7, }	Jason L. Curtis, .	Rockport.
2d,	{ Gloucester, W'ds 1, 2, 3, 4, 5, 6, }	Charles H. Wonson, Edward H. Haskell,	Gloucester. Gloucester.
3d,	{ Gloucester, Ward 8, Essex, . . . Manchester, . . . Hamilton, . . . }	Jesper Richardson, .	Gloucester.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th.	{ Wenham, . . . } { Danvers, . . . }	Israel W. Andrews,	Danvers.
5th,	Beverly, . . .	John I. Baker, . .	Beverly.
6th.	{ Salem, Wards 1, 2, { 5, }	Charles S. Osgood, . Charles H. Chase, .	Salem. Salem.
7th,	{ Salem, Wards 3, 4, { 6, }	John Jackson, . . . Henry W. Putnam, .	Salem. Salem.
8th,	{ Marblehead, . . . } { Swampscott, . . . }	Lewis Carroll, . . . Benj. A. Phillips, .	Marblehead. Marblehead.
9th,	Lynn, Ward 3, . .	James H. Richards, .	Lynn.
10th,	{ Lynn, Wards 1, 2, { 4, 5, 7, . . . } { Nahant, }	Nathan M. Hawkes,* Augustine Jones, . . John Marlor, . . .	Lynn. Lynn. Lynn.
11th,	Lynn, Ward 6, . .	S. S. McGibbons, .	Lynn.
12th,	Peabody, . . .	Jas. E. T. Bartlett, .	Peabody.
13th,	{ Saugus, } { Lynnfield, . . . } { Middleton, . . . } { Topsfield, . . . }	Joseph Whitehead, .	Saugus.
14th,	{ Andover, } { North Andover, . . }	John Cornell, . . .	Andover.
15th,	{ Boxford, } { Rowley, } { Ipswich, }	Asa F. Howe, . . .	Rowley.
16th,	{ Newbury, } { Newburyport, W'ds { (1, 2, 3, 4, 5, 6, . . }	Eben F. Stone, . . . John W. Ricker, . .	Newburyport. Newburyport.
17th,	{ Georgetown, . . . } { Groveland, } { Bradford, }	Chauncey O. Noyes,	Georgetown.
18th,	{ West Newbury, . . } { Salisbury, } { Amesbury, } { Merrimac, }	James D. Pike, . . . Samuel Coffin, . . .	Merrimac. Salisbury.

* Resigned May 17.

HOUSE OF REPRESENTATIVES.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
19th.	{ Haverhill, Wards 1, { 2, 3, 4, 5, 6, . } { Methuen, . . . }	John W. Tilton, . William A. Brooks, . Edmund P. Sargent,	Haverhill. Haverhill. Methuen.
20th.	{ Lawrence, Wards 1, { 2, 3, . . . }	Michael Riinn, . Abel Webster, .	Lawrence. Lawrence.
21st.	{ Lawrence, Wards 4, { 5, 6, . . . }	Levi Emery, . Melvin Beal, .	Lawrence. Lawrence.

COUNTY OF MIDDLESEX.

1st.	{ Cambridge, Wards { 1, 5, . . . }	Levi L. Cushing, . Edwin B. Hale, .	Cambridge. Cambridge.
2d.	{ Cambridge, Wards { 2, 4, . . . }	Oliver J. Rand, . Chas. F. Thurston, . Lucius R. Paige, .	Cambridge. Cambridge. Cambridge.
3d.	Cambridge, Ward 3,	Joseph J. Kelley, .	Cambridge.
4th.	Somerville, Ward 1,	R. E. Nickerson, .	Somerville.
5th.	Somerville, Ward 2,	Thos. Cunningham,	Somerville.
6th.	Somerville, W'd 3, 4,	Jacob T. Glines, .	Somerville.
7th.	Medford, . . .	John H. Hooper, .	Medford.
8th.	{ Malden, . . . } { Everett, . . . }	Elisha S. Converse, . George S. Marshall,	Malden. Everett.
9th.	Melrose, . . .	W. Irving Ellis, .	Melrose.
10th.	Stoneham, . . .	George A. Cowdrey,	Stoneham.
11th.	Wakefield, . . .	Solon Walton, .	Wakefield.
12th.	{ Reading, . . . } { North Reading, . } { Wilmington, . . }	Gardner French, .	Reading.
13th.	Woburn, . . .	L. Thompson, jun., .	Woburn.
14th.	{ Arlington, . . . } { Winchester, . . }	William G. Peck, .	Arlington.
15th.	{ Watertown, . . . } { Belmont, . . . }	Robert L. Davis, .	Watertown.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
16th,	{ Newton, Wards 1, { 2, 3, 4, 5, 6, 7, . }	Charles E. Ranlett, . Levi C. Wade, .	Newton. Newton.
17th,	Waltham, . .	David Randall, .	Waltham.
18th,	{ Lexington, . . { Burlington, . . { Bedford, . . { Billerica, . . }	John Winn, . .	Burlington.
19th,	{ Tewksbury, . . { Chelmsford, . . { Tyngsborough, . . { Dracut, . . }	William Manning, .	Chelmsford.
20th,	Lowell, Ward 1, .	Patrick Keyes, . .	Lowell.
21st,	Lowell, Ward 2, .	William A. Read, .	Lowell.
22d,	Lowell, Ward 3, .	Albert Moors, . .	Lowell.
23d,	Lowell, Ward 4, .	Francis Carll, . .	Lowell.
24th,	Lowell, Ward 5, .	William H. Wiggin,	Lowell.
25th,	Lowell, Ward 6, .	Henry H. Wilder, .	Lowell.
26th,	{ Concord, . . { Acton, . . { Carlisle, . . { Lincoln, . . }	George M. Baker, .	Lincoln.
27th,	{ Weston, . . { Wayland, . . { Sudbury, . . { Maynard, . . }	Myron W. Bent, .	Wayland.
28th,	Natick, . . .	Noah L. Hardy, . .	Natick.
29th,	{ Holliston, . . { Sherborn, . . {	Sydney Wilder, .	Holliston.
30th,	{ Hopkinton, . . { Ashland, . . {	John Mahon, . .	Hopkinton.
31st,	Framingham, . .	Chas. S. Whitmore,	Framingham.
32d,	Marlborough, . .	S. Herbert Howe, .	Marlborough.

COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
33d,	{ Hudson, . . . } Stow, . . . } Boxborough, . . . } Littleton, . . . }	Solon Wood, . . .	Hudson.
34th,	{ Westford, . . . } Groton, . . . } Dunstable, . . . } Pepperell, . . . }	William Read, 1st, .	Westford.
35th,	{ Ayer, . . . } Shirley, . . . } Townsend, . . . } Ashby, . . . }	George V. Barrett, .	Ayer.

COUNTY OF WORCESTER.

1st,	{ Blackstone, . . . } Uxbridge, . . . }	Zadock A. Taft, . .	Uxbridge.
2d,	{ Mendon, . . . } Milford, . . . } Upton, . . . }	William H. Cook, . . Charles A. Davis, . .	Milford. Upton.
3d,	{ Northbridge, . . . } Grafton, . . . }	Lucius M. Sargent, .	Grafton.
4th,	{ Westborough, . . . } Southborough, . . . }	George O. Brigham,	Westborough.
5th,	{ Clinton, . . . } Berlin, . . . } Bolton, . . . } Sterling, . . . } Lancaster, . . . } Harvard, . . . } Lunenburg, . . . }	Lucius Field, . . . James Hildreth, 2d, .	Clinton. Lunenburg.
6th,	Fitchburg, . . . }	Leander Sprague, . . Luther J. Brown, . .	Fitchburg. Fitchburg.
7th,	{ Winchendon, . . . } Ashburnham, . . . } Gardner, . . . } Westminster, . . . } Princeton, . . . }	Chas. Webster Bush, Artemas Merriam, .	Gardner. Westminster.
8th,	{ Athol, . . . } Royalston, . . . }	J. S. Parmenter, . .	Athol.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
9th,	{ Petersham, . . . } { Phillipston, . . . } { Templeton, . . . } { Hubbardston, . . }	Horace Underwood, .	Hubbardston.
10th,	{ Dana, } { Hardwick, . . . } { Barre, } { Oakham, } { New Braintree, . }	John B. Fairbank, .	Oakham.
11th,	{ Rutland, } { Holden, } { Paxton, } { Leicester, . . . }	William Howe, .	Holden.
12th,	{ West Brookfield, . } { Warren, } { Brookfield, . . . } { North Brookfield, . }	George C. Lincoln, . A. B. Chamberlain, .	N. Brookfield. Sturbridge.
13th,	{ Spencer, } { Charlton, } { Southbridge, . . . }	Calvin D. Paige, . James H. Ames, .	Southbridge. Spencer.
14th,	{ Douglas, } { Webster, } { Dudley, }	Josiah Perry, .	Dudley.
15th,	{ Auburn, } { Millbury, } { Sutton, }	George W. Rice, .	Sutton.
16th,	{ Shrewsbury, . . . } { Northborough, . . }	Oliver B. Wyman, .	Shrewsbury.
	{ Boylston, }		
	{ West Boylston, . . }		
17th,	Leominster, . . .	George F. Colburn, .	Leominster.
18th,	Worcester, Ward 1,	Thomas J. Hastings,	Worcester.
19th,	Worcester, Ward 2,	Wm. A. S. Smyth, .	Worcester.
20th,	Worcester, Ward 3,	Frank D. Leary, .	Worcester.
21st,	Worcester, Ward 4,	Phillip Moore, .	Worcester.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
22d,	Worcester, Ward 5,	James H. Mellen, .	Worcester.
	Worcester, Ward 6,	Frank P. Goulding, .	Worcester.
24th,	Worcester, Ward 7,	John D. Lovell, .	Worcester.
25th,	Worcester, Ward 8,	John D. Washburn, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . . Northampton, . . . Southampton, . . }	{ John L. Otis, . . . T. G. Spaulding, . . }	Northampton. Northampton.
2d,	{ Hadley, Hatfield, Westhampton, . . . Williamsburg, . . }	Joseph Billings, . .	Hatfield.
3d,	{ Chesterfield, . . . Cummington, . . . Goshen, Huntington, Middlefield, Plainfield, Worthington, . . . }	Matthew Smith, . .	Middlefield.
4th,	{ Amherst, Pelham, Prescott, South Hadley, . . }	Martin W. Burnett,	So. Hadley.
5th,	{ Belchertown, . . . Enfield, Granby, Greenwich, Ware, }	Thomas R. Greene, .	Belchertown.

COUNTY OF HAMPDEN.

1st,	{ Monson, Brimfield, Holland, Wales, }	Pliny F. Spaulding, .	Brimfield.
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COUNTY OF HAMPDEN—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Palmer, . . . } { Wilbraham, . . . } { Ludlow, . . . }	Timothy D. Potter, .	Palmer.
3d,	Chicopee, . . .	Jarvis P. Kelly, .	Chicopee.
4th,	{ Springfield, Wards } { 1, 2, . . . }	William Pynchon, . Theodore D. Beach,	Springfield. Springfield.
5th,	{ Springfield, Wards } { 3, 6, . . . }	Leonard Clark, .	Springfield.
6th,	{ Springfield, Wards } { 4, 7, . . . } { Longmeadow, . . . }	Rawson Hathaway, .	Springfield.
7th,	{ Springfield, Wards } { 5, 8, . . . }	Marcus P. Knowlton,	Springfield.
8th,	{ Holyoke, Wards 1, 2, 3, 4, 5, . . . }	John H. Wright, .	Holyoke.
9th,	{ Holyoke, W'ds 6, 7, } { West Springfield, . . }	E. P. Bartholomew, .	W. Springfi'd.
10th,	{ Westfield, . . . } { Agawam, . . . } { Montgomery, . . . }	Joseph G. Noble, . Henry S. Stiles, .	Westfield. Montgomery.
11th,	{ Southwick, . . . } { Granville, . . . } { Tolland, . . . } { Blandford, . . . } { Chester, . . . } { Russell, . . . }	Edwin Gilbert, .	Southwick.

COUNTY OF FRANKLIN.

1st,	{ Erving, . . . } { Warwick, . . . } { Orange, . . . } { New Salem, . . . }	James W. Emery, .	Orange.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Ralph A. Field, .	Leverett.

HOUSE OF REPRESENTATIVES.

COUNTY OF FRANKLIN—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Greenfield, . . } Gill, . . . { Shelburne, . . }	Alanson K. Hawks, .	Shelburne.
4th,	{ Deerfield, . . } Conway, . . . { Whately, . . }	Charles P. Aldrich, .	Deerfield.
5th,	{ Northfield, . . } Bernardston, . . { Leyden, . . . } Colrain, . . . { Heath, . . . }	Orson B. Curtis, .	Colrain.
6th,	{ Ashfield, . . } Buckland, . . . { Charlemont, . . } Hawley, . . . { Rowe, . . . } Monroe, . . .	Nelson Gardner, .	Ashfield.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . } Lanesborough, . . New Ashford, . . Williamstown, . . { Clarksburg, . . }	Daniel N. White, .	Hancock.
2d,	Adams, . . .	{ Job K. Anthony, . Charles H. Ingalls, . }	Adams. Adams.
3d,	{ Pittsfield, . . } Dalton, . . .	{ Jarvis N. Dunham, . Solomon N. Russell, }	Pittsfield. Pittsfield.
4th,	{ Florida, . . . } Savoy, . . . Cheshire, . . . Windsor, . . . Washington, . . Peru, . . . { Hinsdale, . . }	John W. Curtice, .	Hinsdale.
5th,	{ Becket, . . . } Lee, . . . Otis, . . . { Tyringham, . . }	Sidney Barnes, .	Becket.

HOUSE OF REPRESENTATIVES.

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COUNTY OF BERKSHIRE—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
6th.	{ Richmond, . . . } { Lenox, . . . } { Stockbridge, . . . } { West Stockbridge, . . . }	Hiram N. Cooke, .	Lenox.
7th.	{ Alford, . . . } { Egremont, . . . } { Great Barrington, . . . } { Monterey, . . . }	William B. Bliss, .	Gt. Barrington.
8th.	{ Mt. Washington, . . . } { New Marlborough, . . . } { Sandisfield, . . . } { Sheffield, . . . }	Henry M. Wilcox, .	Sandisfield.

COUNTY OF NORFOLK.

1st.	{ Dedham, . . . } { Norwood, . . . }	Henry C. Bonney, .	Dedham.
2d.	Brookline, . . .	Edward I. Thomas, .	Brookline.
3d.	Hyde Park, . . .	William J. Stuart, .	Hyde Park.
4th.	{ Milton, . . . } { Canton, . . . }	Edward R. Eager, .	Canton.
5th.	{ Quincy, . . . } { Weymouth, . . . }	Benjamin S. Lovell, . George F. Hayden, . Edwin W. Marsh, .	Weymouth. Weymouth. Quincy.
6th.	{ Braintree, . . . } { Holbrook, . . . }	Newton White, .	Holbrook.
7th.	{ Randolph, . . . } { Stoughton, . . . } { Sharon, . . . } { Walpole, . . . }	Francis W. Bird, . John T. Flood, .	Walpole. Randolph.
8th.	{ Franklin, . . . } { Foxborough, . . . } { Wrentham, . . . } { Bellingham, . . . } { Medway, . . . }	David A. Partridge, . James F. Leonard, .	Medway. Foxborough.
9th.	{ Needham, . . . } { Dover, . . . } { Medfield, . . . } { Norfolk, . . . }	John Humphrey, .	Dover.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Attleborough, . . . } { Norton, . . . } { Mansfield, . . . }	George Price, . . . Abijah T. Wales, . .	Attleborough. Attleborough.
2d,	{ Easton, . . . } { Raynham, . . . }	George C. Belcher, .	Easton.
3d,	{ Taunton, . . . } { Berkeley, . . . }	Wm. Reed, jun., . . John W. Hart, . . . John H. Galligan, .	Taunton. Taunton. Taunton.
4th,	{ Acushnet, . . . } { Fairhaven, . . . } { Freetown, . . . }	E. G. Morton, jun.,	Fairhaven.
5th,	{ New Bedford, Wards { 1, 2, 3, . . . }	Rufus A. Soule. . . Charles A. Case, . .	New Bedford. New Bedford.
6th,	{ New Bedford, Wards { 4, 5, 6, . . . }	Israel C. Cornish, . . Thos. B. Hathaway,	New Bedford. New Bedford.
7th,	{ Westport, . . . } { Dartmouth, . . . }	Charles Fisher,* . .	Westport.
8th,	{ Fall River, Wards { 1, 2, 3, 4, . . . }	John W. Cummings, Hiram B. Coffin, . . Patrick M. McGlynn,	Fall River. Fall River. Fall River.
9th,	{ Fall River, Wards 5, { 6, . . . } { Somerset, . . . }	Pardon Macomber, . . Andrew J. Jennings,	Fall River. Fall River.
10th,	{ Seekonk, . . . } { Swanzey, . . . } { Rehoboth, . . . } { Dighton, . . . }	John A. Lewis, . .	Dighton.

COUNTY OF PLYMOUTH.

1st,	{ Hingham, . . . } { Hull, . . . }	John D. Long, . . .	Hingham.
2d,	{ Cohasset, . . . } { Scituate, . . . } { South Scituate, . . }	Amos W. Merritt, .	Scituate.

* Seat contested; given to William P. Macomber of Westport.

COUNTY OF PLYMOUTH — CONCLUDED.

District	Town or Ward.	Name of Representative.	Residence.
3d,	{ Marshfield, . . . } { Pembroke, . . . } { Hanson, . . . } { Halifax, . . . }	William C. Oakman,	Marshfield.
4th,	{ Duxbury, . . . } { Kingston, . . . } { Plympton, . . . } { Carver, . . . }	Philander Cobb,	Kingston.
5th,	Plymouth, . . .	Charles E. Barnes, .	Plymouth.
6th,	{ Wareham, . . . } { Rochester, . . . } { Marion, . . . } { Mattapoisett, . . . }	Noble W. Everett, .	Wareham.
7th,	{ Middleborough, . . . } { Lakeville, . . . }	James P. Peirce, .	Lakeville.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . }	Van R. Swift, . . .	Bridgewater.
9th,	{ Rockland, . . . } { Hanover, . . . }	Ezekiel R. Studley, .	Rockland.
10th,	{ Brockton, . . . } { West Bridgewater, . . . }	Baalis Sanford, jun., Henry B. Packard, .	Brockton. Brockton.
11th,	{ Abington, . . . } { South Abington, . . . }	Henry W. Powers, .	So. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Sandwich, . . . } { Falmouth, . . . }	Isaiah Fish, . . .	Sandwich.
2d,	{ Barnstable, . . . } { Mashpee, . . . }	Andrew Lovell, .	Barnstable.
3d,	{ Yarmouth, . . . } { Dennis, . . . }	Thomas P. Howes, .	Dennis.
4th,	{ Harwich, . . . } { Chatham, . . . }	Abiathar Doane, .	Harwich.

HOUSE OF REPRESENTATIVES.

COUNTY OF BARNSTABLE — CONCLUDED.

District.	Ward.	Name of Representative.	Residence.
5th.	{ Brewster, . . . Orleans, . . . Eastham, . . . Wellfleet, . . . }	Freeman Doane, .	Orleans.
6th,	{ Truro, . . . Provincetown, . . }	Henry Shortle, .	Provincetown.

COUNTY OF DUKES.

1st,	{ Chilmark, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . }	Benjamin Clough, .	Tisbury.
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1st,	Nantucket, . . .	Henry Paddack, .	Nantucket.
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CHIEF JUSTICE.

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[Congressional districts established by Chap. 300, Acts of 1872, and Chap. 113, Acts of 1876.]

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 GEORGE F. HOAR, . . . of *Worcester*.

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 IX.—WILLIAM W. RICE, . . of *Worcester*.
 X.—AMASA NORCROSS, . . of *Fitchburg*.
 XI.—GEORGE D. ROBINSON, . of *Chicopee*.

* Seat of Walbridge A. Field contested; given to Benjamin Dean, March 23, 1878.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, {
June 24, 1878. }

I certify that the Acts and Resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns in this Department.

HENRY B. PEIRCE,
Secretary of the Commonwealth.

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I N D E X.

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